

Office of Professional Responsibility

**Buffalo (Batavia) SPC
Inspection 2025-001-010**

October 29-31, 2024



U.S. Immigration
and Customs
Enforcement



U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of Professional Responsibility
ICE Inspections
Washington, DC 20536-5501

**Office of Detention Oversight
Compliance Inspection
2025-001-010**

**Enforcement and Removal Operations
ERO Buffalo Field Office**

**Buffalo (Batavia) Service Processing Center
Batavia, New York**


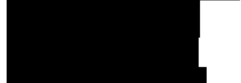
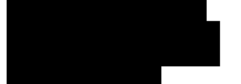
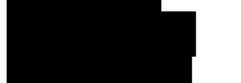





October 29-31, 2024

COMPLIANCE INSPECTION
of the
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER
Batavia, New York

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COMPLIANCE INSPECTION TEAM MEMBERS

	Team Lead	ODO
	Senior Inspections and Compliance Specialist	ODO
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	Senior Inspections and Compliance Specialist	ODO
	Contractor	Creative Corrections
	Contractor	Creative Corrections
	Contractor	Creative Corrections
	Contractor	Creative Corrections

COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population of 10 or more, and where detainees are housed for over 72 hours, to assess compliance with ICE national detention standards. While these inspections focus on facility compliance with detention standards that directly affect detainee life, health, safety, and/or well-being, in FY 2024 ODO added additional standards to the scope of each full inspection to ensure ODO inspects every standard at each facility at least once every other year.⁴

ODO identifies violations of ICE detention standards, ICE policies, or operational procedures, as “deficiencies.” ODO highlights instances when the facility resolves deficiencies prior to completion of the ODO inspection. Where applicable, these corrective actions are annotated with “C” under the *Compliance Inspection Findings* section of this report.

Upon completion of each inspection, ODO conducts a closeout briefing with facility and local ERO officials to discuss preliminary findings. A summary of these findings is shared with ERO management officials. Thereafter, ODO provides ICE leadership with a final compliance inspection report to: (i) assist ERO in developing and initiating corrective action plans; and (ii) provide senior executives with an independent assessment of facility operations. ODO’s findings inform ICE executive management in their decision-making to better allocate resources across the agency’s entire detention inventory.

⁴ ODO reviews the facility’s compliance with selected standards in their entirety.

FINDINGS BY PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2011 (REVISED 2016) MAJOR CATEGORIES

PBNS 2011 (Revised 2016) Standards Inspected ^{5,6}	Deficiencies
Part 1 - Safety	
Emergency Plans	0
Environmental Health and Safety	0
Transportation (By Land)	3
Sub-Total	3
Part 2 - Security	
Admission and Release	1
Custody Classification System	2
Contraband	1
Funds and Personal Property	0
Hold Rooms in Detention Facilities	0
Key and Lock Control	1
Sexual Abuse and Assault Prevention and Intervention	0
Special Management Units	0
Staff-Detainee Communication	0
Tool Control	0
Use of Force and Restraints	1
Sub-Total	6
Part 3 - Order	
Disciplinary System	0
Sub-Total	0
Part 4 - Care	
Food Service	0
Medical Care	0
Medical Care (Women)	0
Significant Self-harm and Suicide Prevention and Intervention	0
Terminal Illness, Advance Directives and Death	0
Disability Identification, Assessment, and Accommodation	0
Sub-Total	0
Part 5 - Activities	
Recreation	0
Visitation	5
Sub-Total	5

⁵ For greater detail on ODO's findings, see the *Compliance Inspection Findings* section of this report.

⁶ Beginning in FY 2024, ODO instituted a process of rotating all standards every other year. As a result, some standards may not be present in all inspections.

Part 6 - Justice	
Detainee Handbook	1
Grievance System	2
Law Libraries and Legal Material ⁷	1
Legal Rights Group Presentations	0
Sub-Total	4
Part 7 - Administration and Management	
Interviews and Tours	0
Staff Training	0
Sub-Total	0
Total Deficiencies	18

DETAINEE RELATIONS

ODO interviewed 23 detainees, who each voluntarily agreed to participate. One detainee reported suspected sexual abuse of another detainee. No other detainees made any allegations of discrimination, mistreatment, or abuse. Most detainees reported satisfaction with facility services except for the concern listed below.

Sexual Abuse and Assault Prevention and Intervention: One detainee stated he believed another detainee was sexually and mentally abused.

- **Action Taken:** ODO notified the facility’s PREA coordinator who immediately notified medical staff of the report. A facility nurse met with the identified detainee who denied any sexual or physical abuse or threats and confirmed feeling safe. The nurse told the detainee if he ever felt unsafe or threatened he could report back to medical staff and discuss it confidentially. At ODO’s request, ERO Buffalo explained to the detainee how to report sexual abuse and assault to ICE and told the detainee ICE’s telephone numbers are posted in the housing unit and included in the ICE detainee handbook. The detainee acknowledged understanding.

COMPLIANCE INSPECTION FINDINGS

SAFETY

TRANSPORTATION (BY LAND) (TBL)

ODO interviewed two facility lieutenants and ERO Buffalo staff, reviewed 25 transportation officer personnel files, and found officers assigned to bus transportation of detainees did not complete an ICE/ERO bus driver training program nor a comparable approved training program

⁷ The deficiency cited under the Law Libraries and Legal Material (LLLM) standard was identified during the inspection. The LLLM standard was not reviewed in its entirety.

(Deficiency TBL-18⁸).

ODO reviewed █ transportation officer personnel files and found in █ out of █ files, no certificate of completion for bus training (Deficiency TBL-22⁹).

ODO inspected a detainee transportation van, interviewed two facility lieutenants, and found the van did not have a pair of bolt cutters (Deficiency TBL-129¹⁰).

SECURITY

ADMISSION AND RELEASE (AR)

ODO reviewed █ detainee files and found in █ out of █ files, an appropriate ICE/ERO authorizing official did not sign the Order to Detain form (Form I-203) and in █ out of █ files, the Form I-203 did not pertain to the detainee (Deficiency AR-54¹¹). **This is a repeat deficiency.**

CUSTODY CLASSIFICATION SYSTEM (CCS)

ODO reviewed █ detainee files and found in █ out of █ files, a first-line supervisor or classification supervisor did not review the detainees' classification (Deficiency CCS-9¹²).

ODO reviewed █ detainee files and found in █ out of █ files, a designated classification supervisor did not review the intake processing officers' classification files for accuracy and completeness (Deficiency CCS-31¹³). **This is a repeat deficiency.**

⁸ "To be assigned to a bus transporting detainees, an officer must have successfully completed the ICE/ERO bus driver training program, or a comparable approved training program, and all local state requirements for a commercial driver's license (CDL)." See ICE PBNDS 2011 (Revised 2016), Standard, Transportation (By Land), Section (V)(D)(1).

⁹ "For each vehicle operator and other employees assigned to bus transportation duties, supervisors shall maintain at the official duty station a file containing:

a. certificate of completion from a bus training program, as applicable."

See ICE PBNDS 2011 (Revised 2016), Standard, Transportation (By Land), Section (V)(D)(2)(a).

¹⁰ "A complete set of keys for every lock located in or on the vehicle shall travel with the vehicle at all times, in a secure place known to every transporting officer, and the crew shall keep bolt cutters in the forward compartment with the outer equipment for use in an emergency." See ICE PBNDS 2011 (Revised 2016), Standard, Transportation (By Land), Section (V)(K)(2).

¹¹ "An Order to Detain or an Order to Release the detainee (Form I-203 or I-203a), bearing the appropriate ICE/ERO Authorizing Official signature, must accompany each newly arriving detainee." See ICE PBNDS 2011 (Revised 2016), Standard, Admission and Release, Section (V)(E).

¹² "Each detainee's classification shall be reviewed and approved by a first-line supervisor or classification supervisor." See ICE PBNDS 2011 (Revised 2016), Standard, Custody Classification System, Section (V)(A)(4).

¹³ "The designated classification supervisor or facility administrator designee shall review the intake processing officer's classification files for accuracy and completeness and ensure that each detainee is assigned to the appropriate housing unit." See ICE PBNDS 2011 (Revised 2016), Standard, Custody Classification System, Section (V)(E).

CONTRABAND (CON)

ODO interviewed a facility lieutenant, inspected the contraband inventory and storage area, and found the facility did not place copies of property disposal records in detainees' detention files (**Deficiency CON-52**¹⁴).

KEY AND LOCK CONTROL (KLC)

ODO observed the facility did not use key covers for large security keys (**Deficiency KLC-11**¹⁵).

USE OF FORCE AND RESTRAINTS (UOFR)

ODO reviewed three records of incidents where staff initiated immediate uses of force on detainees who were no immediate threat to themselves or others, interviewed the facility chief of security, and found in all three incidents, staff did not take the time to assess the possibility of resolving the situation without resorting to force before they deployed chemical agents, entered the rooms, and forcibly removed the detainees (**Deficiency UOFR-65**¹⁶).

ACTIVITIES

VISITATION (V)

ODO called the facility's public telephone number and found the facility made no visitation schedule nor procedures for all categories of visitation available (**Deficiency V-10**¹⁷).

ODO reviewed the facility's general visitors log and found in 10 out of 25 log entries, staff did not record the name and alien-registration number of the detainee visited, the visitor's address, the visitor's relationship to the detainee, nor the arrival and departure time (**Deficiency V-15**¹⁸).

¹⁴ "A copy of the property disposal record shall be given to the detainee, and another copy shall be placed in the detainee's detention file." *See* ICE PBNDS 2011 (Revised 2016), Standard, Contraband, Section (V)(C)(5).

¹⁵ "Facilities shall use key covers for large security keys to prevent detainees or other unauthorized persons from observing and duplicating them." *See* ICE PBNDS 2011 (Revised 2016), Standard, Key and Lock Control, Section (V)(A)(9).

¹⁶ "If a detainee is in a location where there is no immediate threat to the detainee or others (for example, a locked cell or range), staff shall take the time to assess the possibility of resolving the situation without resorting to force." *See* ICE PBNDS 2011 (Revised 2016), Standard, Use of Force and Restraints, Section (V)(I).

¹⁷ "Each facility shall: ...

2. Make the schedule and procedures available to the public, both in written form and telephonically. A live voice or recording shall provide telephone callers the rules and hours for all categories of visitation."

See ICE PBNDS 2011 (Revised 2016), Standard, Visitation, Section (V)(C)(2).

¹⁸ "Staff shall record in the general visitors' log:

1. the name and alien-registration number (A-number) of the detainee visited;
2. the visitor's name and address;
3. the visitor's relationship to the detainee; and
4. the date, arrival time and departure time."

See ICE PBNDS 2011 (Revised 2016), Standard, Visitation, Section (V)(D)(1-4).

ODO inspected the facility’s waiting and visiting areas and found no posted rules and hours for legal visitation (**Deficiency V-65**¹⁹).

ODO reviewed the facility’s legal visitors log and found in 16 out of 25 log entries, staff did not include the time of arrival, visitor’s address, detainee’s name and A-number, whether the detainee had a G-28 on file, the time the visit began, nor the time the visit ended (**Deficiency V-99**²⁰).

ODO reviewed the facility’s visitation policies and procedures and found no procedures to allow animals to accompany visitors onto the property (**Deficiency V-141**²¹).

JUSTICE

DETAINEE HANDBOOK (DH)

ODO reviewed the ICE National Detainee Handbook and the facility’s local handbook and found no scheduled hours of access nor procedure to request access to the law library (**Deficiency DH-15**²²).

GRIEVANCE SYSTEM (GS)

ODO reviewed the facility’s GS policy and grievance log, interviewed the grievance officer (GO), and found 4 levels of formal grievance review, allowing up to 10 days after a detainee filed a grievance but before the detainee could appeal the decision to the grievance appeals board (**Deficiency GS-48**²³).

ODO reviewed 25 grievances and found in 2 out of 25 grievances, the GO responded on August 12, 2024, to grievances submitted from 1 detainee on August 1 and 4, 2024; a lapse of 11 and 8

¹⁹ “The facility shall provide notification of the rules and hours for legal visitation as specified above. This information shall be prominently posted in the waiting areas and visiting areas and in the housing units.” *See* ICE PBNDS 2011 (Revised 2016), Standard, Visitation, Section (V)(J)(2).

²⁰ “Log entries shall include the following information: ...

- b. time of arrival; ...
- d. visitor’s address; ...
- f. detainee’s name and A-number;
- g. whether the detainee currently has a G-28 on file;
- h. time visit began; and
- i. time visit ended.”

See ICE PBNDS 2011 (Revised 2016), Standard, Visitation, Section (V)(J)(14)(b)(d)(f)(g)(h) and (i).

²¹ “Each facility shall establish and disseminate a policy and implementing procedures governing whether and, if so, under what circumstances animals may accompany human visitors onto or into facility property.” *See* ICE PBNDS 2011 (Revised 2016), Standard, Visitation, Section (V)(N)(5).

²² “While all applicable topics from the handbook must be addressed, it is especially important that each local supplement notify each detainee of: ...

- 10. rules and procedures governing access to the law library as required by standard “6.3 Law Libraries and Legal Material,” at Sections E(2) and N of Expected Practices.”

See ICE PBNDS 2011 (Revised 2016), Standard, Detainee Handbook, Section (V)(B)(10).

²³ “Each facility shall establish three levels of formal grievance review.” *See* ICE PBNDS 2011 (Revised 2016), Standard, Grievance System, Section (V)(C)(3).

days respectively (**Deficiency GS-57**²⁴).

LAW LIBRARIES AND LEGAL MATERIALS (LLLM)

ODO reviewed the ICE National Detainee Handbook and the facility’s local handbook and found no scheduled hours of access to the law library nor the procedure for requesting access (**Deficiency LLLM-71**²⁵).

CONCLUSION

During this inspection, ODO assessed the facility’s compliance with 29 standards under PBNDS 2011 (Revised 2016) and found the facility in compliance with 19 of those standards. ODO found 18 deficiencies in the remaining 10 standards. Since BSPC’s last rated inspection in October 2023, the facility’s overall compliance with the PBNDS 2011 (Revised 2016) has trended downward. BSPC went from 7 deficient standards and 14 deficiencies in October 2023 to 10 deficient standards and 18 deficiencies during this most recent inspection. BSPC completed its uniform corrective action plan for its last inspection in May 2024; however, BSPC’s corrective actions may not have been effective in resolving the previous deficiencies for unsigned orders to detain and not reviewing classification files for accuracy and completeness. ODO recommends ERO Buffalo continue to work with the facility to resolve the remaining deficiencies in accordance with contractual obligations.

Compliance Inspection Results Compared	FY 2024 Full Inspection (PBNDS 2011) (Revised 2016)	FY 2025 Full Inspection (PBNDS 2011) (Revised 2016)
Standards Reviewed	29	29
Deficient Standards	7	10
Overall Number of Deficiencies	14	18
Priority Component Deficiencies	1	0
Repeat Deficiencies	4	2
Areas Of Concern	0	0
Corrective Actions	0	0
Facility Rating	Acceptable/Adequate	Acceptable/Adequate

²⁴ “Detainee shall be provided with a written or oral response within five days of receipt of the grievance.” See ICE PBNDS 2011 (Revised 2016), Standard, Grievance System, Section (V)(C)(3)(b)(1)(b).

²⁵ “The detainee handbook or supplement shall provide detainees the rules and procedures governing access to legal materials, including the following information: ...

2. the scheduled hours of access to the law library; and
3. the procedure for requesting access to the law library.”

See ICE PBNDS 2011 (Revised 2016), Standard, Law Libraries and Legal Materials, Section (V)(N)(2) and (3).



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