

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
ENFORCEMENT AND REMOVAL OPERATIONS  
ICE HEALTH SERVICE CORPS**

**IHSC INVESTIGATIONS UNIT**

**IHSC Directive: 11-08  
ERO Directive Number: 11759.4  
Federal Enterprise Architecture Number: 306-112-002b  
Effective Date: November 12, 2019**

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**By Order of the Assistant Director  
Stewart D. Smith, DHSc, FACHE**

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1. **PURPOSE:** The purpose of this directive is to codify and institutionalize the function of the U.S. Immigration and Customs Enforcement (ICE) Health Service Corps (IHSC) Investigations Unit (IIU) and its authority and responsibility to provide independent and impartial investigations, thereby protecting the overall integrity of ICE's health care delivery system.
  2. **APPLICABILITY:** This directive applies to all IHSC personnel, including but not limited to, U.S. Public Health Service (PHS) officers, federal civil servants, and contract personnel supporting health care operations in ICE-owned facilities, contracted detention facilities (CDF), and inter-governmental service agreement (IGSA) facilities.
  3. **AUTHORITIES AND REFERENCES:**
    - 3-1. Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635.
    - 3-2. Department of Homeland Security (DHS). (2003). Ethics/Standards of Conduct (Management Directive 0480.1).
    - 3-3. DHS. (2004). The Office of Inspector General (Management Directive 0810.1).
    - 3-4. DHS. (2012). Medical Quality Management (Instruction No. 248-01-001).
    - 3-5. ICE. (2012). ICE Employee Code of Conduct (ICE Directive 1033.1).
    - 3-6. ICE. (2005). Functions of the Office of Professional Responsibility (ICE Directive 17001.1 (6-1.0)).

- 3-7. ICE Deputy Director 07 May 2018, Peter T. Edge Memo/Reportable Misconduct.
  - 3-8. ICE. (2015). Response to and Evaluation of Critical Incidents Involving ICE Employees (Directive No. 1044.1).
  - 3-9. ICE. (2016). Notification and Reporting of Detainee Deaths (Directive No. 11003.3).
  - 3-10. IHSC. (2015). Staff Responsibilities Related to Current Official Guidance in Their Area of Responsibility (IHSC Directive 01-03).
  - 3-11. IHSC. (2019). Mortality Review and Reporting (IHSC Directive 11-03 IHSC policy library).
  - 3-12. IHSC. (2019). IIU Guide (IHSC Guide 11-08-G-01).
  - 3-13. Commissioned Corps of the U.S. Public Health Service (PHS). (2018). Disciplinary Action (CCD 111.02).
  - 3-14. PHS. (2018). Conditions of Service (CCD 111.03).
  - 3-15. PHS. (2008). Standards of Conduct (CCD 211.01).
4. **POLICY:** IIU serves as the IHSC investigative authority and conduit between DHS, ICE, IHSC, and other stakeholders when conducting independent, impartial, and thorough investigations or reviews of the ICE health care delivery system, to include allegations of non-criminal employee misconduct.
5. **RESPONSIBILITIES:**
- 5-1. Assistant Director, Chief of Staff, and Deputy Assistant Director of Clinical Services/Medical Director (hereby referred to as IHSC senior leadership):
    - 5-1.1 Directs IIU to conduct investigations or reviews related to IHSC's delivery and provision of medical care to individuals in ICE custody.
    - 5-1.2 Reviews and approves final reports.
    - 5-1.3 Determines the need for corrective actions.
  - 5-2. The IIU Chief, or designee:
    - 5-2.1 Maintains administrative and operational oversight of the unit and fosters an environment for successful planning, design, execution, monitoring, and management of investigative efforts.
    - 5-2.2 Assigns an IIU investigator to conduct an investigation or review.

5-2.3 Ensures investigators conduct investigations or reviews in accordance with Department of Health and Human Services (DHHS), DHS, ICE, and IHSC requirements, and applicable accreditation standards.

5-2.4 Approves or denies requests for recusal in the conduct or participation of an investigation.

**5-3. IIU staff:**

5-3.1 Conduct independent, impartial, and thorough investigations or reviews.

5-3.2 Request recusal from conducting, or participating in, investigations or reviews of subjects or facilities with whom they currently or in the past had a close personal or professional relationship, or personal feelings. IIU staff should consider whether objective third parties may perceive their association with subjects or facilities as biased or questionable, and request recusal as appropriate.

5-3.3 Complete applicable training and maintain appropriate certifications.

**5-4. IHSC employees and contractors will:**

5-4.1 Cooperate with all investigative inquiries.

5-4.2 Provide IIU investigator with copies of all relevant documents and information requested that may aid the investigation.

5-4.3 Immediately report allegations of substantive misconduct or serious mismanagement to a local Office of Professional Responsibility (OPR) field office, to the Joint Intake Center (JIC), or to the DHS Office of Inspector General (OIG). Additional guidance on the specific allegations that staff must report is contained in the May 7, 2018, memorandum entitled "*Employee Obligation to Report Corruption and Misconduct to the ICE OPR, JIC, DHS OIG, ICE Management, or the Office of Special Counsel.*"

**6. PROCEDURES:**

**6-1.** IIU receives and triages requests for investigations from one of several tasking authorities that includes IHSC senior leadership and/or ICE OPR through the Enforcement and Removal Operations (ERO) Administrative Inquiry Unit (AIU).

**6-2.** The IIU Chief identifies the nature of the investigation and assigns an investigator.

**6-3.** The investigator creates an investigative plan, and coordinates and conducts interviews and sites visits, as applicable.

6-4. The investigator prepares a report of findings and submits to the appropriate management official.

7. **HISTORICAL NOTES:** None.

8. **DEFINITIONS:**

8-1. **ICE Office of Professional Responsibility (OPR)** – The office charged with protecting the overall integrity of ICE. To achieve its goal, OPR conducts impartial and thorough investigations into allegations of employee misconduct; conducts inspections and reviews of ICE offices, operations, and processes; provides management with an independent review of ICE’s organizational health; and assesses the agency’s overall effectiveness and efficiency.

8-2. **ERO Administrative Inquiry Unit (AIU)** – The unit responsible for tasking IIU OPR inquiries related to the ICE health care delivery system. ERO AIU provides IHSC managers with MI training and ensures IHSC maintains a roster of trained OPR MI fact-finders.

9. **APPLICABLE STANDARDS:**

9-1. Performance-Based National Detention Standards (PBNDS) 2011 with 2016 Revisions:

9-1.1 Medical Care, Section V.X.5. *Health Care Internal Review and Quality Assurance.*

9-1.2 Terminal Illness, Advance Directives, and Death, Section V.E.6.a (2), *Medical Reports.*

9-1.3 Significant Self-harm and Suicide Prevention and Intervention, Section J. *Review.*

9-2. American Correctional Association (ACA), Performance-Based Standards for Adult Local Detention Facilities, 4<sup>th</sup> Edition:

9-2.1 4-ALDF-4C-32, *Suicide Prevention and Intervention.*

9-2.2 4-ALDF-4D-23, *Inmate Death.*

9-2.3 4-ALDF-4D-24, *Health Care Internal Review and Quality Assurance.*

9-2.4 1-HC-4A-03, *Internal Review and Quality Assurance.*

9-3. National Commission on Correctional Health Care (NCCHC), Standards for Health Services in Jails, 2018:

9-3.1 J-A-04, *Administrative Meetings and Reports.*

9-3.2 J-A-06, *Continuous Quality Improvement Program.*

9-3.3 J-A-09, *Procedure in the Event of an Inmate Death.*

**10. RECORDKEEPING:** IHSC creates, receives, stores, retrieves, accesses, retains, and disposes of these records in accordance with ICE Records and National Archives and Records Administration approved records retention schedules. Contact the IHSC Records Liaison for further information or guidance.

**11. NO PRIVATE RIGHT STATEMENT:** This directive is an internal directive statement of IHSC. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

**12. POINT OF CONTACT:** Chief, IHSC Investigations Unit.