



U.S. Immigration
and Customs
Enforcement

JUN - 8 2006

MEMORANDUM FOR: Field Office Directors

FROM: John P. Torres
Acting Director
Office of Detention and Removal Operations

SUBJECT: Protocol on Reporting and Tracking of Assaults

A handwritten signature in black ink, appearing to read "John P. Torres".

I. Purpose and Scope

This policy memorandum provides guidance to all Field Office Directors (FODs) on the reporting and tracking of sexual abuse and physical assaults that are perpetrated by or against a detainee that is in ICE custody. The scope of this policy does not address field office actions, inquiries or investigations, or program responsibilities beyond the reporting and tracking requirements.

II. Time Table

Implementation of this policy is effective immediately.

III. Policy Objectives

- All physical assaults are reported to the Headquarters Office of Detention and Removal Operations (HQDRO) and other designated ICE components in a timely manner.
- All assaults that occur in an ICE facility or are perpetrated against or by an ICE detainee are tracked in a data system that is overseen and/or monitored by HQDRO.

IV. Definitions

For the purposes of this policy, the following definitions apply:

- **Assault:** Any physical attack or act of violence, to include sexual assault, by an officer, facility staff member, contract guard, or alien in ICE custody.

- **Detainee-on-Detainee Sexual Assault:** One or more detainees engaging in or attempting a sexual act with any other detainee or intentionally touching that detainee's genitalia, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of either person. Sexual acts or contacts between detainees, even when consensual, are always prohibited.
- **Staff-on-Detainee Sexual Assault:** Any officer or facility staff engaging in or attempting a sexual act with any detainee or intentionally touching of a detainee's genitalia, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of either person. Sexual acts or contacts between a detainee and a staff member, even when consensual, are always prohibited.
- **Detainee-on-Staff Sexual Assault:** Same as above, with staff and detainee roles reversed.
- **Detainee-on-Detainee Physical Assault:** One or more detainees engaging in an act of violence against another detainee or the intentional attempt to harm that detainee through force or violence, regardless of whether injury results or a weapon is used.
- **Staff-on-Detainee Physical Assault:** Any officer or facility staff engaging in an act of violence against a detainee or the intentional attempt to harm that detainee through force or violence, regardless of whether injury results or a weapon is used.
- **Detainee-on-Staff Physical Assault:** Same as above, with staff and detainee roles reversed.
- **Reportable Assault:** Any physical assault that results in life threatening or other very serious injuries must be reported. **All** sexual assaults **must** be reported.

V. Staff Training

All ICE staff shall be trained to:

- Recognize and understand the physical, behavioral and emotional signs of an assault.
- Understand the notification and reporting process when an alleged assault occurs.

VI. Procedures

A. Telephonic Reporting

1. In the event of a reportable assault, the FOD or Deputy Field Office Director (DFOD) shall telephonically notify the HQDRO Assistant Director for Operations within two hours of the assault or as soon as practical thereafter. Sending an e-mail, leaving a voice-mail message or notifying an HQDRO staff officer does not satisfy the telephonic reporting requirement.
2. The FOD or DFOD may not delegate responsibility for ensuring direct notification to the Assistant Director for Operations. If the Assistant Director cannot be reached within a reasonable period of time, the FOD or the DFOD should call the Chief of Staff or the DRO Director.
3. Each FOD will ensure that service processing centers (SPCs), contract detention facilities (CDFs), inter-governmental service agreement (IGSA) facilities, and Bureau of Prison (BOP) facilities within his or her area of responsibility (AOR) are familiar with the requirement to report assaults to the local field office so that timely telephonic notifications can be made to HQDRO.

B. SEN Notifications

1. In accordance with the Assistant Secretary's directive dated March 11, 2003, entitled "Reporting Requirements for Significant Events," reportable physical and all sexual assaults are significant incidents that must be reported telephonically within two hours and in writing within 24 hours to the ICE Joint Intake Center (JIC). These written notifications will be accomplished via the electronic ICE SEN Notification Database.
2. Once significant incident reports (SIRs) are received at the ICE JIC, the intake center prepares a "Rapid Reach Report" that is simultaneously transmitted to key management officials at HQDRO (i.e., DRO Director, Assistant Directors for Operations and Management, Chief of Staff, all Deputy Assistant Directors, and the Intelligence Unit) and ICE. SIRs regarding assaults are automatically forwarded to the Director of the ICE Office of Professional Responsibility (OPR) for further dissemination or action as appropriate (e.g., OPR conducts an inquiry, refers the matter to OIG for investigation, or returns the case to the field office as a management inquiry).
3. The FOD shall ensure that relevant and timely updates on assaults are made to HQDRO and the ICE JIC through SEN notifications updates that cross-reference the original web-assigned SEN report tracking number.

4. The HQDRO Point of Contact (POC) for technical questions regarding the SEN Notification Database is HQDRO Detention and Deportation Officer (DDO) (b)(6),(b)(7)(C) at (202) 732 (b)(6),(b)(7)(C)