



Office for Civil Rights and Civil Liberties

Summary of CRCL's Recommendations and ICE's Response *Clay County Jail*

On March 20, 2023, U.S. Immigration and Customs Enforcement (ICE) responded to an *Expert Recommendation Memorandum* issued in September 2022 by the Office for Civil Rights and Civil Liberties (CRCL) that followed a targeted onsite investigation at Clay County Jail (Clay). ICE concurred with nine recommendations, partially concurred with two, and non-concurred with one.

Background

Between February and March 2022, CRCL opened two complaint investigations involving noncitizens in ICE custody at Clay. The allegations raised concerns related to inappropriate use of force. As a result of these complaints, CRCL conducted a targeted investigation at Clay in August 2022 focused on use of force.

Findings and Recommendations

On September 13, 2022, CRCL issued ICE an *Expert Recommendation Memorandum* based on its investigation conducted with the assistance of a contract subject matter expert. The memo includes 12 recommendations related to use of force. The following highlights the top three findings and actions that ICE agreed to take as a result of CRCL's recommendations.

Use of Force Policies

CRCL determined Clay does not provide 24/7 onsite healthcare coverage, and the facility's use of force policy does not identify how medical care is provided to noncitizens after a use of force incident if no healthcare staff is onsite. ICE agreed to update Clay's use of force policy and procedures to notify the medical care provider of any use of force incidents that occur outside of healthcare coverage hours.

CRCL also found that Clay lacks a video retention policy related to use of force incidents. ICE agreed to update Clay's Use of Deadly Force Policy and created a new policy to enforce and protect the retention of audio and visual recordings.

Use of Force Equipment

CRCL found that the facility does not document testing of Electric Muscular Disruption Devices (EMDD) issued to employees, as required by relevant detention standards. ICE agreed to ensure immediately that facility staff is documenting EMDD testing in a log.

After-Action Reports (AARs)

CRCL determined the AAR for a use of force incident at the facility did not include the implemented resolution to address the unnecessary and excessive force found during the incident. ICE agreed to ensure that AARs for any use of force incidents at the facility will contain all required information detailing any policy violations identified and the implementation of remedial actions deemed reasonable and appropriate to comply with applicable policies and standards.

CRCL provides the public with documents related to complaint investigations. After it has been prepared and reviewed, CRCL will post a redacted version of this Recommendation Memorandum on our [website](#) that will contain additional information about the complaint investigation and CRCL's findings and recommendations.

June 20, 2023