



## Office for Civil Rights and Civil Liberties

### Summary of CRCL's Recommendations and ICE's Response *Implementation of ICE's Segregation Oversight Program*

On July 13, 2023, U.S. Immigration and Customs Enforcement (ICE) responded to a *Recommendation Memorandum* issued in September 2022 by the Office for Civil Rights and Civil Liberties (CRCL) following a periodic review of ICE's implementation of the ICE segregation oversight program. ICE concurred with four of CRCL's recommendations, partially concurred with 14, and non-concurred with 13.

#### Background

In May 2020, CRCL initiated a periodic review to evaluate ICE's use and oversight of segregation for detained noncitizens in ICE custody. CRCL examined how ICE Headquarters (HQ) and ICE Enforcement and Removal Operations (ERO) field offices have implemented requirements in ICE Directive 11065.1: Review of the Use of Segregation for ICE Detainees (Segregation Directive).

#### Investigation

CRCL reviewed hundreds of documents and segregation placement records, including policies, procedures, trainings, data from ICE's Segregation Review Management System, detention records, and inspection reports from other DHS oversight agencies. From September 2020 to January 2021, CRCL conducted nine interviews with personnel from ERO, including ICE Health Service Corps, and ICE's field offices. CRCL found that ICE's oversight of segregation requires renewed focus, funding, and expertise to enhance the effectiveness and quality of segregation oversight at both the field and HQ-levels and that greater limitations should be placed on the use of segregation to protect the civil rights of noncitizens in ICE custody.

#### Recommendations

On September 28, 2022, CRCL sent ICE a *Recommendation Memorandum* with 31 global, system-wide recommendations regarding ICE's use and oversight of segregation. On July 12, 2023, ICE concurred with four recommendations, partially concurred with 14, and non-concurred with 13.

ICE agreed to develop an enhanced data tracking system and to track all segregation placements in order to improve the effectiveness of ICE's tracking, oversight, and trend analysis of segregation placements. ICE also agreed to integrate findings from ICE's and DHS's various inspections and investigation processes into segregation tracking and reform efforts, and to solicit and implement dedicated funding to support segregation oversight efforts. ICE did not agree with CRCL recommendations related to placing greater restrictions on the use of segregation.

In February 2024, CRCL finalized an additional memorandum that complemented this *Recommendation Memorandum* and focused on specific improvements at the facility level.

*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.*

February 8, 2024