



Office for Civil Rights and Civil Liberties

Summary of CRCL's Recommendations and ICE's Response *Criminal Classification and Housing at Clay County Jail*

On December 19, 2022, U.S. Immigration and Customs Enforcement (ICE) responded to a *Recommendation Memorandum* issued in August 2022 by the Office for Civil Rights and Civil Liberties (CRCL) regarding criminal and housing classifications for individuals in ICE custody at Clay County Jail (Clay County). ICE concurred with six recommendations, partially concurred with one, and non-concurred with one.

Background

In March 2021, CRCL received a complaint about a female noncitizen previously detained by ICE at Clay County. The noncitizen, who reportedly had no significant criminal history, allegedly had been housed in a single cell for more than a month with criminal inmates in violation of ICE's 2008 Performance Based National Detention Standards (PBNDS 2008).

Investigation

CRCL reviewed the noncitizen's detention records, grievances, and housing classification determinations. CRCL also reviewed the PBNDS 2008 and other ICE policies concerning housing classification and reclassification during detention. CRCL found that Clay County violated the PBNDS 2008 by reclassifying the noncitizen, whose only criminal conviction was a driving offense, to a higher-level classification due to a housing shortage. This resulted in the noncitizen being housed with multiple inmates and detained noncitizens with significant criminal histories, including aggravated felonies that involved acts of violence and with individuals whose records demonstrated a propensity for violence. Further, the noncitizen continued to be housed with these individuals for more than a month during which time her housing classification was never reviewed by a supervisor, as required under the standard.

Recommendations

On August 26, 2022, CRCL sent ICE a *Recommendation Memorandum* with eight recommendations regarding criminal and housing classifications in detention facilities. On December 19, 2022, ICE concurred with six recommendations, partially concurred with one, and non-concurred with one.

ICE agreed to cease the practice of reclassifying individuals solely on the basis of housing logistics and to ensure that classification training at all ICE facilities included a discussion of the dangers of improper classifications. ICE also agreed to actively oversee housing classifications at Clay County to ensure they were being properly performed, reviewed by supervisors, documented, and reviewed on a regular basis, as required by the standard. ICE did not agree with CRCL recommendations to provide additional or new training on housing classification at Clay County, but stated it would ensure that all Clay County staff would retake the existing housing classification training promptly.

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.

March 4, 2024