



# Office for Civil Rights and Civil Liberties

## Summary of CRCL's Recommendations and ICE's Response *Bond Determination Process*

On January 31, 2024, U.S. Immigration and Customs Enforcement (ICE) responded to a *Recommendation Memorandum* issued in September 2023 by the Office for Civil Rights and Civil Liberties (CRCL) about implementing clear and concise guidelines when determining and issuing bonds to noncitizens in ICE custody. ICE concurred with one of CRCL's recommendations and partially concurred with four.

### Background

On November 10, 2021, CRCL received correspondence from the Southern Poverty Law Center on behalf of 43 individuals in custody in ICE detention facilities within the New Orleans Area of Responsibility (AOR) alleging a pattern of excessive ICE bonds for noncitizens seeking release from immigration detention. The complaint's 43 individuals allegedly remained in ICE detention facilities due to their inability to pay their bonds, which ranged from \$6,000 to \$20,000.

### Investigation

CRCL reviewed the detention files for a randomly selected sample of ten of the 43 noncitizens. CRCL also reviewed ICE policies and procedures related to bond management, including ERO's Bond Management Handbook (Handbook) and subsequent updates to the Handbook. CRCL also interviewed an Assistant Field Office Director in the New Orleans AOR to understand the bond determination process for the ten selected cases. CRCL's investigation of the New Orleans AOR's issuance of bonds revealed significant deficiencies in documentation, including inconsistent and inaccurate recordkeeping by field office staff and the lack of clear justification for the setting of bond amounts. Due to the inconsistent documentation and recordkeeping, CRCL was unable to assess how the individual bond amounts were determined or whether they were appropriate. CRCL also found that ICE does not have clear and transparent guidelines that prescribe any limits or ranges to help determine appropriate bond amounts based on mitigating and aggravating factors.

### Recommendations

On September 29, 2023, CRCL sent ICE a *Recommendation Memorandum* with five recommendations about implementing clear and concise guidelines when determining and issuing bonds to noncitizens in ICE custody. On January 31, 2024, ICE concurred with one recommendation and partially concurred with four.

ICE agreed to evaluate the need to develop overarching custody and bond guidance, including defining the roles and responsibilities of ICE headquarters and field office staff regarding the custody determination process. Additionally, ICE agreed that staff should receive training on the bond management process. ICE did not agree to develop a reporting mechanism to analyze, track, and manage bond amounts.

*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