



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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DIRECTOR

OFFICE OF DETENTION AND REMOVAL OPERATIONS

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY**

REGARDING A HEARING ON

**“MEDICAL CARE AND TREATMENT OF IMMIGRATION
DETAINEES
AND DEATHS IN DRO CUSTODY”**

BEFORE THE

**HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON HOMELAND SECURITY**

**Tuesday, March 3, 2009 @ 10:00 pm
2359 Rayburn House Office Building**

Good afternoon, Chairman Price, Congressman Rogers and distinguished Members of the Committee. My name is James Hayes, and I am the Director of Detention and Removal Operations (DRO) at U.S. Immigration and Customs Enforcement (ICE). It is my privilege to appear before you to discuss the detention processes, medical care and treatment of ICE detainees.

DRO's core mission is the arrest, detention, and removal of inadmissible and deportable aliens. In doing so, we enforce the law as enacted by Congress. Our authority to arrest and detain aliens is contained in the Immigration and Nationality Act (Sections 236 and 241), first in 1952 and subsequently revised and expanded by Congress. In carrying out our mission, one of our highest priorities is to provide a safe, secure and humane detention environment for detainees, including providing health care to those in our custody. We take this responsibility very seriously and have created a comprehensive detainee health care program and a rigorous inspection program to that end. I am personally committed to ensuring that ICE detainees are treated humanely and receive adequate medical care for the duration of their time in custody.

DRO will work closely with the Secretary's Special Advisor Dora Schriro to review and implement recommendations made by the Department's Working Group on Detainee Health Care, which considered detainee health care improvements and delivered its report to former Deputy Secretary Paul Schneider on January 26, 2008. The Working Group included the Office of Health Affairs and individual external medical experts commented on its reports.

Additionally, as you are aware, this Committee funded an assessment of medical care provided to ICE detainees that will be performed by the Office of Professional Responsibility, in

consultation with the Department's Office of Health Affairs. I understand the contract for that assessment will be awarded by mid-April, and we look forward to cooperating fully with the review.

THE ICE DETENTION SYSTEM

ICE uses detention as a tool to ensure that aliens amenable to removal from the United States are in fact removed. The detention facilities that ICE uses can be grouped according to function and ownership. Service Processing Centers (SPCs) are owned by ICE and staffed by a combination of federal and contract employees. Contract Detention Facilities (CDFs) are owned by private companies that contract directly with the government and staffed by a combination of federal and contract employees. Inter-governmental Service Agreement facilities (IGSAs) are operated by local governments and are usually public facilities but can also be privately owned. Dedicated IGSAs are facilities with detention space reserved exclusively for ICE. Other facilities used by ICE include staging facilities for transportation, holding facilities, and hospitals for emergency care.

Approximately 67 percent of the current ICE population is in IGSA facilities, 15 percent in Contract Detention Facilities, and 10 percent in ICE-owned facilities; the remainder is housed by the Office of Refugee Resettlement, the Bureau of Prisons, or other, less restrictive detention settings. In Fiscal Year 2009, the ICE detention program is funded for 33,400 beds. Currently, ICE estimates that 442,941 detainees will spend time in ICE custody this year. The vast majority

of these detainees will be in ICE's care for approximately 30 days or less prior to their deportation from the United States.

ICE uses both internal and external programs to ensure that all facilities we use to house detainees provide safe, humane conditions of confinement. ICE contracts with two companies recognized for their expertise in detention management to conduct inspections and ensure ongoing quality control. Detention professionals from Creative Corrections perform annual detention facilities inspections previously performed by ICE employees on a collateral duty basis. Detention experts from the Nakamoto Group serve as on-site, full time quality assurance inspectors at our 37 largest facilities. The on-site contractor will be performing the same function on a regional basis for our other facilities by third quarter FY 2009. To ensure that identified deficiencies are immediately addressed, in January of this year, I directed that any deficiency be immediately reported to me for review so I can closely track progress in correcting the deficiency. It has always been ICE policy to address and correct deficiencies involving life and health safety issues; however, I believe the higher level of visibility will speed remediation efforts.

Internally, in 2007, ICE created the Detention Facilities Inspection Group (DFIG) to conduct specialized inspections of detention facilities and to investigate allegations of mistreatment and non-compliance with our detention standards. The Inspection Group does not report to me, but to the ICE Office of Professional Responsibility (OPR), which independently inspects and reviews ICE offices, operations, and processes.

