

ICE/DRO RESIDENTIAL STANDARD

NEWS MEDIA INTERVIEWS AND TOURS

I. PURPOSE AND SCOPE. This Residential Standard ensures that the public and the media are informed of events within the facility's areas of responsibility through interviews and tours.

It applies to all Residential Facilities housing ICE/DRO detainees:

Some terms used in this document may be defined in the separate **Definitions Standard**.

II. EXPECTED OUTCOMES

1. The public and the media will be informed of operations and events within the facility's areas of responsibility.
2. The privacy of detainees and staff will be protected, including the right of a detainee to not be photographed or recorded.
3. Where required, residents have regular access to translation services and/or are provided information in a language that they understand.
4. The standard complies with federal laws and with DHS regulations regarding residents with special needs.

III. DIRECTIVES AFFECTED. NONE

IV. REFERENCES

The First Edition National Residential Standards were written using a variety of methodologies including previous and current practices, review and comment from various subject matter experts, review and comment from various government and non-government organizations, and a review of current state codes in Pennsylvania and Texas. Each standard is written in a manner that affords each resident admission and continuous housing to a family residential facility in a dignified and respectful manner. There are no specific codes, certifications, or accreditations that deal specifically with unique management requirements of families awaiting the outcome of their immigration proceeding in a non-secure custodial environment.

American Correctional Association Standards for Adult Local Residential Facilities, 4th Edition: 4-ADLF-7D-21, 7F-01.

V. EXPECTED PRACTICES

A. News Media Interviews of Detainees

1. General

ICE/DRO supports the provision of public access to non-classified and non-confidential information about its operations in the interest of informing the public.

ICE/DRO also has a responsibility to protect the privacy and other rights of detainees, including the right of a detainee to not be photographed or recorded.

By regulating interviews in the Residential setting, the facility administrator ensures the secure, orderly and safe operation of the facility. Interviews by reporters, other news media representatives, academics and parties not included in other visitation categories in the Residential Standard on **Visitation** shall be permitted access to facilities only by special arrangement and with prior approval of the respective ICE/DRO Chief, Juvenile and Family Residential Management Unit (JFRMU).

2. Media Representatives

“Media representatives” refers to persons whose principle employment is to gather, document or report news for:

- A newspaper that circulates among the general public and publishes news of a general interest such as political, religious, commercial, or social affairs. A key criterion is whether the paper qualifies to publish legal notices in the community in which it is located.
- A news magazine with a national circulation sold to the general public by newsstands and mail subscription.
- A national or international news service.
- A radio or television news program of a station licensed by the Federal Communications Commission.

3. Residential Facility Visits and Tours

Media representatives may make advance appointments to tour facilities that house ICE/DRO detainees to prepare reports about those facilities.

- To tour a Residential Facility, media representatives shall contact the ICE/DRO facility administrator. The Chief of Operations/Security is responsible for implementing the necessary security procedures. The facility administrator shall coordinate approval through the Chief, JFRMU coordinator of public affairs.

The Chief, JFRMU, may suspend visits for an appropriate period during and after an emergency, or when there are indications of possible unrest or disturbance in the facility.

News media organizations shall abide by the policies and procedures of the facility being visited or toured.

Media representatives must obtain advance permission from the Warden/facility administrator and Chief, JFRMU, before taking photographs in or of an SPC.

The facility administrator shall advise both media representatives and residents that use of any resident's name, identifiable photo, or recorded voice requires his or her prior permission. Media representatives shall obtain a signed release from the resident before photographing or recording his or her voice. The original of the form is to be filed in the detainee's A-file with a copy in the facility's Resident File. When the resident is an accompanied minor, the media shall also obtain a signed release by the minor's parent or legal guardian before photographing or recording his or her voice.

Residents have the right not to be photographed (still, movie, or video), and not to have their voice recorded by the media. If it will threaten or disrupt the safety and/or security of either the facility, its staff or its immigration residents, the Chief, JFRMU, may limit or prohibit the presence of video, film, or audio equipment or related personnel. For example, the Chief, JFRMU may limit the equipment to hand-held cameras or recorders.

4. Personal Interviews

A media representative planning to conduct a personal interview at a facility shall submit a written request to the Chief, JFRMU, preferably 48 hours and no less than 24 hours prior to the time slot requested. The Chief, JFRMU, may waive the 24-hour rule if convinced of the need for urgency.

Through facility staff, the Chief, JFRMU, shall inform the resident of the interview request. The resident must then indicate his or her willingness to be interviewed by signing a consent form before the Chief, JFRMU, considers the interview request. The original written consent is to be filed in the resident's A-file with a copy in the facility's Resident File.

Attachment A provides a sample *News Interview Authorization form* that may be used. The original of the form is to be filed in the resident's A-file with a copy in the facility's Resident File.

When the alien is the center of a controversy or of a special interest or high profile case, the Chief, JFRMU shall consult with the Headquarters Assistant Director for DRO, Management and Operations, before deciding whether to allow the interview.

Otherwise, the Chief, JFRMU, shall normally approve/disapprove of the request, in writing, within 48 hours of the written request. Possible reasons for disapproval may include, but are not limited to:

- The news media representative or news organization he/she represents does not agree to the conditions established by this policy or previously failed to abide by them.
- The resident is physically or mentally unable to participate, as indicated by the statement of a medical officer. A mental health specialist may verify mental incapacity, substantiating the reason for disapproval.
- The Field Office Director finds it probable that the proposed interview would endanger the health or safety of the interviewer, cause serious unrest within the facility, or disturb the orderly and secure operation of the facility.
- The resident is involved in a pending investigation/court action and the court with jurisdiction over the matter has issued a gag rule or the Chief, JFRMU, after consultation with OPLA, believes the proposed interview could affect the outcome of the court case.

Interviews shall take place during normal business hours in a location determined by the facility administrator. The facility administrator shall provide a location conducive to the interviewing activity, consistent with security and good order.

The Chief, JFRMU, may limit the number of interviews with a particular detainee to a reasonable number per month. Further, if interviews are imposing a serious strain on staff or facility resources, the Chief, JFRMU, may restrict the time allotted to interviews.

ICE/DRO reserves the right to monitor and/or supervise, but not participate in, resident interviews.

A media representative interested in touring the facility and photographing or recording any other residents in conjunction with an individual interview must follow all applicable requirements and procedures and indicate this interest at the time of his/her request for an interview.

5. Press Pools

A press pool may be established when the Chief, JFRMU and facility administrator determine that the volume of interview requests warrants such action.

The facility administrator shall notify all media representatives with pending or requested interviews, tours, or visits that, effective immediately and until further notice, all media representatives must comply with the press pool guidelines established by the Chief, JFRMU.

All material generated from such a press pool must be made available to all news media, without right of first publication or broadcast.

The press pool shall comprise one member each from the following groups:

- The national and international news services;
- The television and radio networks and outlets;
- The newsmagazines and newspapers; and
- All local media serving the locality where the facility is located.

Each group shall choose the member who will represent it in the press pool. The Chief, JFRMU shall, upon request, provide the media information about a resident, provided it is a matter of public record and not protected by privacy laws, Department of Homeland Security policy, or ICE/DRO policy. Security and safety concerns for staff and resident(s) require that specific removal-related data remain confidential.

6. Special Conditions for Media Representatives

To be approved to interview a resident or visit, or tour an ICE facility, the media representative must certify that he or she is familiar with, and accepts the rules and regulations governing media conduct. He or she must then comply with those rules and regulations.

Media representatives shall collect information only from the primary source and shall neither solicit nor use personal information from one resident about another who is unwilling to be interviewed.

Media representatives may discuss objections, suggestions, exceptions, and general issues concerning the applicability of any rule, regulation, or order with

the facility administrator.

A media request may not delay or otherwise interfere with the admission in-processing or departure of any resident. Consequently, the routine processing of ICE residents shall take precedence over media interviews.

Standard Approved:

John P. Torres
Director
Office of Detention and Removal Operations

Date