

Unknown

From: Gibson, Beth N
Sent: Thursday, January 13, 2011 11:05 AM
To: Mathias, Susan M; Hale, Brian P
Cc: (b)6, (b)7C; (b)6, (b)7C
Subject: Fw: detention center reform and competitive bids - ERO and ODPP joint responses
Attachments: Texas SOO.DOC; SOO Template-NE F 8 12 10.doc; SOO CHI - Kansas City (Final).docx; SOO NC and SC(FF).doc; SOO SFR with New Due Date. doc.doc; SOO Miami (F) (2).doc

Susan, Can we share these with press?

Beth Gibson
Assistant Deputy Director, ICE

(b)6, (b)7C (w)
(b)6, (b)7C (c)

From: Hale, Brian P
To: Gibson, Beth N
Sent: Thu Jan 13 09:08:24 2011
Subject: FW: detention center reform and competitive bids - ERO and ODPP joint responses

Can I give these to the NYT?

From: (b)6, (b)7C [mailto:(b)6, (b)7C]
Sent: Wednesday, January 12, 2011 5:58 PM
To: (b)6, (b)7C; Hale, Brian P
Cc: Mead, Gary; Landy, Kevin; (b)6, (b)7C; Coven, Phyllis A
Subject: RE: detention center reform and competitive bids - ERO and ODPP joint responses

Hi (b)6, (b)7C

Attached are the six statements of objects.

(b)6, (b)7C

Special Assistant for the
Deputy Associate Director
Office of Enforcement and Removal Operations
(b)6, (b)7C (Office)
(b)6, (b)7C (BB)

From: Coven, Phyllis A
Sent: Wednesday, January 12, 2011 5:49 PM
To: (b)6, (b)7C; Hale, Brian P
Cc: Mead, Gary; Landy, Kevin; (b)6, (b)7C
Subject: FW: detention center reform and competitive bids - ERO and ODPP joint responses

This email incorporates all of Gary Mead's and Kevin Landy's concerns – therefore it is a collective response from ERO and ODPP.

1. Is there any additional information about the Essex County proposal, such as location and number of buildings? Published reports in NJ have said that it includes the adaptation of two existing building – Essex County Correction Facility and Delaney Hall -- and the construction of a third to create 2250 beds for immigration detainees. Is this true? **Yes, this is accurate except it is possible that more than one facility could be constructed on the third site. Overall, ICE is looking to ensure we have the capacity to expand to 2,750 beds.**

2. ICE has provided me with the current bed space usage and current demand in the Northeast region but not existing capacity. Is this figure available? Or is it the same as current bed space usage? **Existing capacity or bed space usage in the Northeast region is 2,850 beds per day. The current demand is over 3,400 beds per day.**

3. Are there any projected needs for capacity in the Northeast over the next several years? **With the expected roll out of Secure Communities nationwide by 2013, we anticipate an increased demand for bed space in the Northeast. We are doing our best to align our resources where we need them most now, and where we anticipate the need will be greatest in the future. This involves adding additional resources in some areas, and reducing bed space in others. Our overall detention resources are a matter of Congressional appropriation. Our current planning is done on the basis of the current appropriation for 33,400 beds nationwide.**

4. ICE has also not provided me with a figure representing current national bed space demand or projected need in the next several years. Are these figures available? **ICE's national bed space demand is approximately 33,400 beds and is expected to remain at this level. Future capacity needs will be evaluated as additional Secure Communities are activated.**

5. What is the exact number of statements of objectives that have been issued around the country? **There have been six Statements of Objectives issued in the following general geographic areas: Chicago, New York, Atlanta, Miami, San Francisco, and Texas.**

6. Are the statements of objectives publicly available? If so, are they online? **While the Statement of Objectives (SOO) are available to the public, they are not currently located online. However, the SOO incorporate the Administration's immigration detention reform initiatives, which are available online.**

7. In their initial statement about detention reforms in October 2009, Napolitano and Morton said that among their one-year goals was a plan to "issue two competitive bids for detention facilities that will reflect all five core principles of immigration detention reform." Were these two competitive bids issued? Are the "statements of objectives" you mention those "competitive bids"? If not, what's the difference between a competitive bid and a statement of objective? **In lieu of issuing an RFP, ICE opted to utilize its other acquisition authority to seek detention space with local governments through the Intergovernmental Service Agreement process. By issuing six regionalized Statements of Objectives that incorporated the Administration's core principles of immigration detention reform, ICE has actually exceeded its goal of issuing 2 RFPs.**

8. In answer to a question about the details of the Essex County proposal, I was provided with a list of bullet points, including this line about capacity: "A minimum of 1,000 beds, preferably 2,250 beds with the capacity to expand to 2,750 beds." This wording sounds more like a statement of objectives rather than a proposal. Is it? **The Essex County proposal was in response to an ICE Statement of Objectives (SOO), which indicated that a successful bid would include "a minimum of 1,000 beds, preferably 2,250 beds with the capacity to expand to 2,750 beds." The county's proposal incorporated select language contained within the SOO.**

9. In Karnes county, Texas, ICE has awarded an IGSA. Was this the result of a statement of objectives, much like in the Northeast? When was the IGSA awarded? **The Karnes County IGSA was the result of ICE issuing a Statement of Objectives for Texas following a similar process to the one followed in the Northeast. The IGSA was signed on December 7, 2010.**

10. Is ICE currently in negotiations with any other municipalities regarding new detention facilities? If so, are any of those discussions further along than those with Essex County? **ICE is actively pursuing the five remaining SOOs that have been issued. None are as far along as Essex County.**

11. Are there plans to issue any further statements of objectives in the Northeast? **There are no plans to issue further Statements of Objectives in the Northeast.**

12. Are there plans to retain all the existing ICE detention facilities in NJ, or are there plans to shut down or renovate some of them? **At this time, ICE intends to retain existing detention bedspace in New Jersey. Future capacity needs as a result of additional Secure Communities (SC) activities will be evaluated as additional SC counties become activated and based on the final negotiations with Essex County.**

13. What sort of progress is being made on the alternatives to detention program? (I have found very little on the ICE Web site.) **To maximize program effectiveness, the ATD program is undergoing an evaluation of how best to apply its resources to ensure the appearance at immigration proceedings and compliance with final orders of removal when issued. As part of this process, ICE and the Executive Office of**

Immigration Review (EOIR) are involved in a pilot project to expedite case processing while at the same time ICE is realigning field resources to meet the needs of local ATD participant populations and issuing guidance about how to identify the aliens most appropriate for enrollment into the ATD program.

14. Can you provide me with a monthly breakdown of the number of detainees who have been detained over the past six months on criminal charges versus administrative charges?

ICE ERO - Initial Book-ins by Criminality Status

1/12/2011

Monthly Criminality	2010						Total
	July	August	September	October	November	December	
<i>Non-Criminal</i>	14,777	15,271	15,159	13,271	13,958	16,062	88,498
<i>Criminal</i>	16,375	17,619	17,249	16,418	15,397	15,151	98,209
Grand Total	31,152	32,890	32,408	29,689	29,355	31,213	186,707

From: Hale, Brian P
Sent: Wednesday, January 12, 2011 2:19 PM
To: Brigham, Gillian M
Cc: Nantel, Kelly A
Subject: Fw: detention center reform and competitive bids

Are the answers to some of these follow ups available on our website? If not, can you please start running these down? We may end up putting Beth on the phone with him too.

Brian Hale
 Director
 ICE Office of Public Affairs

From: Kirk Semple <(b)6, (b)7C>
To: Hale, Brian P <(b)6, (b)7C>
Sent: Mon Jan 10 18:41:18 2011
Subject: Re: detention center reform and competitive bids

Hi Brian,

Here are the latest round of questions, some of which are follow-ups to earlier questions.

1. Is there any additional information about the Essex County proposal, such as location and number of buildings? Published reports in NJ have said that it includes the adaptation of two existing building – Essex County Correction Facility and Delaney Hall -- and the construction of a third to create 2250 beds for immigration detainees. Is this true?
2. ICE has provided me with the current bed space usage and current demand in the Northeast region but not existing capacity. Is this figure available? Or is it the same as current bed space usage?
3. Are there any projected needs for capacity in the Northeast over the next several years?
4. ICE has also not provided me with a figure representing current national bed space demand or projected need in the next several years. Are these figures available?
5. What is the exact number of statements of objectives that have been issued around the country?
6. Are the statements of objectives publicly available? If so, are they online?

12/10/2011

7. In their initial statement about detention reforms in October 2009, Napolitano and Morton said that among their one-year goals was a plan to "issue two competitive bids for detention facilities that will reflect all five core principles of immigration detention reform." Were these two competitive bids issued? Are the "statements of objectives" you mention those "competitive bids"? If not, what's the difference between a competitive bid and a statement of objective?

8. In answer to a question about the details of the Essex County proposal, I was provided with a list of bullet points, including this line about capacity: "A minimum of 1,000 beds, preferably 2,250 beds with the capacity to expand to 2,750 beds." This wording sounds more like a statement of objectives rather than a proposal. Is it?

9. In Karnes county, Texas, ICE has awarded an IGSA. Was this the result of a statement of objectives, much like in the Northeast? When was the IGSA awarded?

10. Is ICE currently in negotiations with any other municipalities regarding new detention facilities? If so, are any of those discussions further along than those with Essex County?

11. Are there plans to issue any further statements of objectives in the Northeast?

12. Are there plans to retain all the existing ICE detention facilities in NJ, or are there plans to shut down or renovate some of them?

13. What sort of progress is being made on the alternatives to detention program? (I have found very little on the ICE Web site.)

14. Can you provide me with a monthly breakdown of the number of detainees who have been detained over the past six months on criminal charges versus administrative charges?

Kirk Semple
The New York Times

1- (b)6, (b)7C (office)
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(b)6, (b)7C

(b)6, (b)7C

On Mon, Jan 10, 2011 at 6:09 PM, Hale, Brian P <(b)6, (b)7C> wrote:
Kirk:

I have been out of the office today. I suggest you go ahead and send your additional questions now. I will see where our folks are on the other answers.

Best,
Brian
Brian Hale
Director
ICE Office of Public Affairs

From: Kirk Semple <(b)6, (b)7C>
To: Hale, Brian P <(b)6, (b)7C>
Sent: Mon Jan 10 13:35:54 2011

Subject: Re: detention center reform and competitive bids

12/10/2011

Document ID: 0.7.98.162573

Hi Brian,

I have some more questions for you on detention reform but I'll hold off sending them if there are still more answers coming to my earlier queries. Should I be expecting more responses?

Thanks,

Kirk

Kirk Semple
The New York Times

1- (b)6, (b)7C (office)
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(b)6, (b)7C
(b)6, (b)7C

On Fri, Jan 7, 2011 at 5:13 PM, Kirk Semple <(b)6, (b)7C> wrote:
Thanks for these last two e-mails. They're a huge help.

As my story stands now, I'm going to be working on it at least for the first part of next week. I'm planning to write something that sets the Essex County proposal within the larger framework of the national reform efforts. We haven't written anything on the proposed reforms since they were first announced, and this seems like a good opportunity to take the measure of how things are going, especially with the changes to the network of detention facilities.

Kirk

Kirk Semple
The New York Times

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(b)6, (b)7C
(b)6, (b)7C

On Fri, Jan 7, 2011 at 5:02 PM, Hale, Brian P <(b)6, (b)7C> wrote:
Kirk:

[Still gathering more info, but here are more details.](#)

Q: How many proposals were considered during the search for a location for a new detention facility in the Northeast? How many were considered finalists? (That final part is informed by ICE's public statements that it was also considering proposals in Pennsylvania, which presumably would become frontrunners should the negotiations with Essex collapse.)

A: [Four – Pike, Essex, Warren and York counties.](#)

Q: What are the basic specifications of the Essex County proposal (i.e. location; new capacity; existing

12/10/2011

buildings or new construction)? I was told that the facility would be located in three existing buildings.

Facility Overview:

- A dedicated multi-purpose facility or multi-facility campus
- A minimum of 1,000 beds, preferably 2,250 beds with the capacity to expand to 2,750 beds
- A combination of secure beds and non-secure beds
- Innovative designs, materials, and technology
- Appropriately sized and staffed dental, medical, and mental health facilities
- State-of-the art medical facilities
- Facilities, including courtrooms, for the Executive Office for Immigration Review (EOIR) and ICE staff and video-conferencing capability
- Multiple Closed Circuit Television (CCTV) cameras and other appropriate electronic security equipment throughout the campus or facility
- Emphasis on communal areas and social interactions consistent with security levels
- Indoor and outdoor community areas with durable, fire-resistant, non-institutional seating and furniture
- Enhanced but controlled freedom of detainee movement
- Enhanced programming, including religious services and social programs, as appropriate for the population demographics and average length of stay (ALOS)
- Enhanced law library and legal resources
- Private areas for attorney-client contact visitation
- Easy access to legal services
- Dedicated space for religious services
- Abundant natural light
- Contact visitation, including arrangements for visiting families, with extended hours
- Private showers and restrooms
- Cafeteria-style meal service with menu options to include:
 - Satellite feeding of detainees in certain secure areas or limited circumstances may be required, but should be limited)
- Non-institutional detainee clothing and staff uniforms.
- A high-degree of facility staff-detainee interaction in order to address the following:
 - Detainee grievances
 - Housing issues and facility concerns

Q: What's the current need for capacity throughout the national ICE detention system? What's the projected need for capacity in the next several/5/10 years?

A: Our current capacity is roughly 33,000 beds per day. The number of detention beds is contingent on appropriations from Congress.

Q: Is information publicly available about the Karnes County project?

A: ICE has awarded an Intergovernmental Service Agreement (IGSA) to Karnes County, Texas, for the operation and management of a 600-bed civil immigration detention facility, designed to house adult male, low-risk, minimum security detainees.

This IGSA represents a significant milestone in the agency's long-term effort to reform the immigration detention system, prioritizing the health and safety of detainees in our custody while increasing federal oversight and improving the conditions of confinement within the system.

As the first of ICE's new civil detention centers, this facility will allow for greater unescorted movement, enhanced recreational opportunities and contact visitation, while maintaining a safe and secure atmosphere for detainees and staff.

The placement of the facility is also important as ICE's detention reform efforts are aimed at putting detention centers in strategic locations that maximize detainee access to local consulates and pro-bono legal services,

reduce detainee transfers within the detention system and increase overall operational efficiencies, allowing for a reduction in detainees' average length of stay in ICE custody.”

Q&A:

Q: What is different about this facility that makes it unique for low risk detainees?

A: The facility's design allows for unescorted detainee movement within the facility walls, including open access to internal courtyards with outdoor recreation. Detainees will sleep in eight-man rooms, equipped with a bathroom and a shower. Full contact visitation will be allowed with extensive hours of operation seven days a week. A healthcare facility will be staffed 24 hours a day, with medical, dental and mental health services being provided on-site. In addition, detainees will be able to wear facility-provided, non-institutional clothing.

- Karnes County Residential Center will house low-risk, minimum security adult males. The detainees will be carefully screened to ensure that they have no history of violence, do not pose a threat to themselves or others and are not a risk to flee. Any detainee at the facility who displays inappropriate behavior will be immediately transferred to a traditional detention facility.
- Within the current immigration detention system, the State of Texas has more than 3,500 low-risk, minimum security detainees. The San Antonio area of operations, where the Karnes County Residential Center will be located, has the highest population of low-risk, minimum security detainees in the nation. The location of the facility also allows for access to local consulates and pro-bono legal services, public and commercial transportation, nearby hotel and restaurant accommodations, and is within fifteen minutes of a hospital and off-site medical facilities.
- ICE anticipates that the per diem rate will be less than \$70 a day.
- The facility is expected to be open in Spring 2012.
- ICE's first priority is to ensure a secure environment for staff and detainees. While the facility will offer enhanced freedom of movement, there will still be security controls in place, including electronic surveillance, in order to maintain the safety of detainees and staff.

From: Kirk Semple [mailto: (b)6, (b)7C]
Sent: Friday, January 07, 2011 11:51 AM

To: Hale, Brian P
Subject: Re: detention center reform and competitive bids

Brian,

Thanks for this.

Can I expect answers to the remaining questions? Should I file a FOIA for the Essex County proposal, which I assume is public record?

1. How many proposals were considered during the search for a location for a new detention facility in the Northeast? How many were considered finalists? (That final part is informed by ICE's public statements that it was also considering proposals in Pennsylvania, which presumably would become frontrunners should the negotiations with Essex collapse.)
2. What are the basic specifications of the Essex County proposal (i.e. location; new capacity; existing buildings or new construction)? I was told that the facility would be located in three existing buildings.
3. What's the current need for capacity throughout the national ICE detention system? What's the projected need for capacity in the next several/5/10 years?

Additionally:

1. Is information publicly available about the Kames County project?
2. Are the "statements of objectives" available for my review? (I imagine they're online somewhere.)
3. In their initial statement about detention reforms in October 2009, Napolitano and Morton said that among their one-year goals was a plan to "issue two competitive bids for detention facilities that will reflect all five core principles of immigration detention reform." Were these two competitive bids issued? Are the "statements of objectives" you mention those "competitive bids"?

Kirk Semple
The New York Times

- 1- (b)6, (b)7C (office)
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(b)6, (b)7C

On Thu, Jan 6, 2011 at 8:12 PM, Hale, Brian P <(b)6, (b)7C> wrote:
Kirk:

Here are is some information and answers to your questions on background. Some of this data was taken during directly from the NGO presentation that we discussed.

Info from the presentation.

Immigration Detention Reform Key Objectives:

- Establishing conditions of confinement to meet the unique needs of ICE's diverse detained population.
- Consolidating and realigning detention resources to keep detainees closer to families and legal resources
- Reduce or eliminate the transfer of detainees from one geographic area to another due to the lack of detention resources.
- Maintaining an inventory of detention resources with the flexibility to meet ICE's changing detention needs
- Implementing detention reforms in a fiscally responsible and cost neutral manner.

Goals in the Northeast:

- Align capacity with enforcement and removal activities
- Current bed space usage in the Northeast is 2,850 beds per day
- Current mandatory demand in the Northeast is over 3,400 beds per day
- Eliminate detainee transfers from the Northeast
- ICE currently transfers more than 4,800 detainees from the Northeast prior to final order annually
- In addition to separating detainees from friends, family, and legal counsel, these transfers also slow down the removal process by approximately 14 days. Reducing transfers could yield substantial savings.

Obvious Benefits – Location, location, location:

Gives Access to: Public Transportation, families, pro bono, legal counsel, consulates, hospitals, courts, ICE field offices,

12/10/2011

ICE staff, airports

Responses to your questions.

Q: How long are the current negotiations with Essex County expected to last?

A: The negotiations will likely be ongoing for at least the next 3 months.

Q: Are there other RFP's for other detention facilities in the Northeast? (If so, what is ICE looking for?) Are there plans for more? (If so, what will ICE be looking for?)

A: ICE has not issued formal RFPs anywhere in the nation. What we are issuing are Statements of Objectives to county governments that either currently house or would be interested in housing ICE detainees, that outline our detention needs in certain critical areas around the county. There are no other outstanding Statements of Objectives for the Northeast.

Q: Nationally, how many RFP's for new detention facilities have been issued since the spring of 2009 in light of the Obama administration's plan to overhaul the detention system?

A: ICE has issued Statements of Objectives in Northern and Southern California, Florida, the Chicago area, Texas, the Carolinas and in the Northeast.

Q: Has ICE entered into contracts with other municipalities to build new detention facilities since August 2009, when the overhaul was announced? If so, where?

A: Yes – In Karnes County, Texas.

Q: What's the current capacity (detainees per day) throughout the national ICE detention system? What's the current need? What's the projected need for capacity in the next several/5/10 years?

A: Our current capacity is roughly 33,000 beds per day. The number of detention beds is contingent on appropriations from Congress.

Brian Hale
Director
ICE Office of Public Affairs

From: Kirk Semple <(b)6, (b)7C>
To: Hale, Brian P <(b)6, (b)7C>
Sent: Thu Jan 06 18:41:19 2011

Subject: Re: detention center reform and competitive bids

Hi Brian,

Any developments?

Kirk

Kirk Semple
The New York Times

1- (b)6, (b)7C (office)
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12/10/2011

(b)6, (b)7C

(b)6, (b)7C

On Wed, Jan 5, 2011 at 5:34 PM, Kirk Semple <(b)6, (b)7C> wrote:
No, not for tomorrow. I'm shooting for the weekend, so I hope to have most of the answers by the end of the day tomorrow, if possible.

On Wed, Jan 5, 2011 at 5:28 PM, Hale, Brian P <(b)6, (b)7C> wrote:
Yes. It may take some time to get answers. Are you writing for tomorrow?

From: Kirk Semple [mailto:(b)6, (b)7C]
Sent: Wednesday, January 05, 2011 5:26 PM
To: Hale, Brian P
Subject: Re: detention center reform and competitive bids

just checking that you got these questions....

On Wed, Jan 5, 2011 at 4:41 PM, Kirk Semple <(b)6, (b)7C> wrote:
Hi Brian,

Thanks for handling these questions. The first batch has to do with regional concerns in NY/Northeast, the second batch with the national scene.

1. How many proposals were considered during the search for a location for a new detention facility in the Northeast? How many were considered finalists?
2. What are the basic specifications of the Essex County proposal (i.e. location; new capacity; existing buildings or new construction)? I was told that the facility would be located in three existing buildings
3. What's the current capacity (detainees per day) in the Northeast? What's the current need?
4. What's the projected need for capacity in the Northeast over the next several/5/10 years?
5. How long are the current negotiations with Essex County expected to last?
6. Are there other RFP's for other detention facilities in the Northeast? (If so, what is ICE looking for?) Are there plans for more? (If so, what will ICE be looking for?)
7. Nationally, how many RFP's for new detention facilities have been issued since the spring of 2009 in light of the Obama administration's plan to overhaul the detention system?
8. Has ICE entered into contracts with other municipalities to build new detention facilities since August 2009, when the overhaul was announced? If so, where?
9. What's the current capacity (detainees per day) throughout the national ICE detention system? What's the current need? What's the projected need for capacity in the next several/5/10 years?

Thanks for all your help.

Allbest,

Kirk

12/10/2011

Kirk Semple
The New York Times

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