

## 2.2 Custody Classification System

### I. Purpose and Scope

This detention standard protects detainees, staff, contractors, volunteers and the community from harm, and contributes to orderly facility operations, by requiring a formal classification process for managing and separating detainees based on verifiable and documented data.

In accordance with the requirements and guidelines of this detention standard, each facility is required to have in place a formal detainee classification system that starts at admission and is based on verifiable and documented information. Each detainee's custody classification must be determined through application of the ICE custody classification process described herein or a similar locally established system approved by ICE/ERO, to categorize detainees and physically separate them in accordance with those classification levels.

Some factors relevant to custody classification are part of the broader ICE intake risk assessment process that often begins before a detainee's arrival at a detention facility. Classification of ICE detainees also occurs in a variety of contexts and may be performed by a variety of personnel, including ICE or facility staff. The general principles articulated in this standard apply to all facilities that ICE uses. Facilities are also encouraged to utilize the ICE Custody Classification Worksheet, Instructions, Severity of Offense Scale, and Disciplinary Offenses Involving Violence or Behavior Representing a Threat to the Facility attached as Appendices 2.2.A, 2.2.B, 2.2.C, and 2.2.D. Facilities which receive a recommended custody classification or custody classification score generated by an ICE Field Office are encouraged to follow it.

"Classification" and "reclassification" are initial and periodic staff reviews, not only of a detainee's

custody classification, but of that detainee's general case status, disciplinary record, housing, special needs, adjustment to institutional living, opportunities for voluntary work assignments and general well-being.

This detention standard applies to the following types of facilities housing ICE/ERO detainees:

- Service Processing Centers (SPCs);
- Contract Detention Facilities (CDFs); and
- State or local government facilities used by ERO through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours.

*Procedures in italics are specifically required for SPCs, CDFs, and Dedicated IGSA facilities. Non-dedicated IGSA facilities must conform to these procedures or adopt, adapt or establish alternatives, provided they meet or exceed the intent represented by these procedures.*

Various terms used in this standard may be defined in standard "7.5 Definitions."

### II. Expected Outcomes

The expected outcomes of this detention standard are as follows (specific requirements are defined in "V. Expected Practices"):

1. The community, staff, contractors, volunteers and detainees shall be protected from harm through a formal classification process, for managing and separating detainees by threat risk and special vulnerabilities or special management concerns that is based on verifiable and documented data.
2. Each detainee shall be expeditiously classified upon admission to the facility and before being admitted into general population housing.
3. Detainees shall be protected from harm by assigning detainees housing with persons of similar backgrounds and criminal history.

4. Each detainee’s custody classification, housing, and work assignment shall be reviewed at regular intervals, as well as when required by changes in the detainee’s behavior or circumstances, and upon discovery of additional, relevant information.
5. Detainees shall be able to appeal their custody classification level and other assignments.
6. Detainees with special vulnerabilities will be identified and consideration will be given to providing appropriate accommodation.
7. Detainees shall be assigned to the least restrictive housing unit consistent with facility safety and security.
8. The facility shall provide communication assistance to detainees with disabilities and detainees who are limited in their English proficiency (LEP). The facility will provide detainees with disabilities with effective communication, which may include the provision of auxiliary aids, such as readers, materials in Braille, audio recordings, telephone handset amplifiers, telephones compatible with hearing aids, telecommunications devices for deaf persons (TTYs), interpreters, and note-takers, as needed. The facility will also provide detainees who are LEP with language assistance, including bilingual staff or professional interpretation and translation services, to provide them with meaningful access to its programs and activities.

All written materials provided to detainees shall generally be translated into Spanish. Where practicable, provisions for written translation shall be made for other significant segments of the population with limited English proficiency.

Oral interpretation or assistance shall be provided to any detainee who speaks another language in which written material has not been translated or who is illiterate.

### III. Standards Affected

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This detention standard replaces “Classification System” dated 12/2/2008.

### IV. References

American Correctional Association, *Performance-based Standards for Adult Local Detention Facilities*, 4th Edition: 4-ALDF-2A-30, 2A-31, 2A-32, 2A-33, 2A-34.

ICE/ERO *Performance-based National Detention Standards 2011*:

- “2.11 Sexual Abuse and Assault Prevention and Intervention”;
- “2.12 Special Management Units”;
- “2.13 Staff-Detainee Communication”;
- “5.8 Voluntary Work Program”;
- “6.2 Grievance System.”

“Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities,” 79 Fed. Reg. 13100 (Mar. 7, 2014).

### V. Expected Practices

#### A. Standards

Each facility shall develop and implement a system for classifying detainees in accordance with this Detention Standard. Facilities may rely on the ICE Custody Classification Worksheet, or a similar locally established system, subject to ICE/ERO evaluation and approval, as long as the classification criteria are objective and uniformly applied, and all procedures meet ICE/ERO requirements.

Each facility administrator shall require that the facility’s classification system ensures the following:

1. All detainees shall be classified upon arrival and before being admitted into the general population of the facility. ICE/ERO staff shall provide facilities the data needed from each detainee’s file to complete the classification process;

2. All facility staff assigned to classification duties shall be adequately trained in the facility’s classification process. Each staff member with detainee in-processing responsibilities shall receive on-site training;
3. Any detainee who cannot be classified because of missing information at the time of processing (e.g., the results of a criminal record check) shall be kept separate from the general population. Once the needed information is obtained, classification shall be expedited, and the detainee may be housed in the general population, if warranted;
4. Each detainee’s classification shall be reviewed and approved by a first-line supervisor or classification supervisor; and
5. Detainees shall be assigned to housing, offered recreation and other activities, and assigned to voluntary work, according to their classification levels.

## B. Custody Classification Score

“Classification” is a process of categorizing detainees as low, medium or high custody and housing them accordingly. Research has shown that discretionary decisions about custody classification are more objective and consistent when guided by a process that systematically uses verifiable and documented information, and scores those factors appropriately.

In making classification decisions, facilities use the recommended custody classification generated by the ICE Field Office, or utilize the ICE Custody Classification Worksheet (or similar system) to systematically produce a classification score for each detainee.

## C. Classification Information

During the classification process, staff shall reference facts and other objective, credible evidence documented in the detainee’s A-file, work-folders, ICE automated records systems, criminal history

checks, or other objective sources of information. Relevant considerations include any current criminal offense(s), past criminal offense(s), escape(s), institutional disciplinary history, documented violent episode(s) and/or incident(s), medical information or a history of victimization. Personal opinion, including opinions based on profiling, familiarity or personal experience, may not be considered in detainee classification.

Special consideration shall be given to any factor that would raise the risk of vulnerability, victimization or assault. Detainees who may be at risk of victimization or assault include, but are not limited to, persons with disabilities, persons who are transgender, elderly, pregnant, suffering from a serious medical or mental illness, and victims of torture, trafficking, abuse, or other crimes of violence. This process should incorporate the requirements in Standard 2.11 “Sexual Abuse and Assault Prevention and Intervention” regarding assessment of risk for victimization or perpetration of sexual abuse or assault.

Consistent with Standard 4.8 “Disability Identification, Assessment, and Accommodation,” the facility shall use any information about identified disabilities in making classification and housing decisions. Detainees with disabilities shall be housed in the least restrictive and most integrated setting possible consistent with facility safety and security, and provided an equal opportunity to participate in or benefit from the facility’s programs and activities.

When making classification and housing decisions for a transgender or intersex detainee, staff shall consider the detainee’s gender self-identification and an assessment of the effects of placement on the detainee’s health and safety. A medical or mental health professional shall be consulted as soon as practicable on this assessment. Placement decisions of transgender or intersex detainees should not be based solely on the identity documents or physical anatomy of the detainee, and a detainee’s self-

identification of his/her gender and self-assessment of safety needs shall always be taken into consideration as well. The placement shall be consistent with the safety and security considerations of the facility, and placement and programming assignments for each transgender or intersex detainee shall be reassessed at least twice each year to review any threats to safety experienced by the detainee.

As appropriate, ICE/ERO offices shall provide non-ICE/ERO facilities with the relevant information for the facility to classify ICE/ ERO detainees.

Classification staff shall utilize translation services when necessary.

### 1. Examples of Acceptable Forms and Information

- I-862—Notice to Appear (charging document for aliens in removal proceedings);
- I-221—Order to Show Cause (OSC/WA) and Notice of Hearing, with bond conditions (charging documents for aliens in deportation proceedings);
- I-110 and I-122—Notice to Applicant for Admission, Detained for Hearing before Immigration Judge (charging documents for aliens in exclusion proceedings);
- Form I-203—Order to Detain or Release;
- All conviction documents relating to charges on Form I-221, I-862, and I-110/122 above;
- Criminal History (Rap Sheet)—NCIC/CII/TII, etc.;
- Final order of removal; and
- Any Executive Office for Immigration Review (EOIR) or other official record or observation that is verifiable.

### 2. Examples of Unacceptable Sources of Information that May Not Form the Sole Basis of Classification

- A written or oral account from any interested party, unless and until it has been officially confirmed;
- Unconfirmed and unverified information provided by the detainee; and
- The unverified personal opinion of officers and other personnel.

## D. Intake Processing and Initial Classification

The facility shall segregate the detainee from the general population pending receipt and processing of information needed for classification, as specified above.

The initial classification process and initial housing assignment shall be completed within 12 hours of admission to the facility. If the process takes longer, documentation shall be maintained to explain the cause of the delay and to indicate that the detainee shall be housed appropriately.

After completion of the in-processing health screening form (IHSC-795A or equivalent), the classification officer assigned to intake processing shall review information provided by ICE/ERO and complete a custody classification worksheet or equivalent.

Upon completion of the classification process, at facilities where applicable, staff shall assign individual detainee's color-coded uniforms, wristbands, or other means of custody identification. A system of color-coding permits staff to identify a detainee's classification on sight, thereby eliminating confusion, preventing potentially serious miscommunication, and facilitating consistent treatment of detainees.

## E. Supervisory Review and Custody Classification Assignment

The designated classification supervisor or facility administrator designee shall review the intake

processing officer's classification files for accuracy and completeness and ensure that each detainee is assigned to the appropriate housing unit.

The reviewing supervisor may recommend changes in classification due to:

1. Pertinent incidents of any kind (e.g., disciplinary, medical, victimizations, sexual assaults as either a victim or perpetrator, etc.) while in custody;
2. A classification appeal by a detainee or recognized representative (see below); or
3. Specific, creditable, documented and articulated facts that surface after the detainee's admissions processing.

## F. Classification Levels and Housing Assignments

All facilities shall ensure that detainees are housed according to their classification levels. Participation in work assignments and available activities shall be determined to be consistent with safety and security considerations. Under no circumstances shall issues of facility management, or other factors external to the detainee classification system, influence a detainee's classification level.

SPCs, CDFs and dedicated IGSA's use either the recommended custody classification generated by the ICE Field Office or the point total from the ICE Custody Classification Worksheet to determine the classification level of each detainee.

Non-dedicated IGSA's are encouraged to use the ICE Custody Classification Worksheet, or to adopt the ICE custody classification score generated by an ICE Field Office when one is provided.

Non-dedicated IGSA's that do not use the ICE Custody Classification Worksheet or rely on an ICE custody classification recommendation shall follow the guidelines below when classifying detainees.

### 1. Low Custody

Low custody detainees may not be comingled with

high custody detainees.

- May not include any detainee with an arrest or conviction that included an act of physical violence, or any detainee with a history of assaultive behavior.
- May not include any detainee with a felony conviction for an offense that is listed under the "High" or "Highest" section of the severity of offense guideline (Appendix 2.2.C).
- May include detainees with minor criminal histories and non-violent felony charges and convictions.

### 2. Medium Custody

Medium custody detainees may not ordinarily be comingled with high or low custody detainees, except as specified below in the section on "G. Housing Detainees with Different Classification Levels."

- May not include a detainee whose most recent conviction was for any offense listed under the "Highest" section of the severity of offense guideline (Appendix 2.2.C).
- May not include any detainee with a history or pattern of violent assaults.
- May not include a detainee convicted for assault on a correctional officer while in custody or where a previous institutional record suggests a pattern of assaults while in custody.

### 3. High Custody

- High custody detainees may be reclassified to medium only based on institutional behavior provided items under number 2 above do not apply. A detainee must be in custody for a minimum of 60 days before reclassification.
- High custody detainees shall not be assigned work duties outside their assigned living areas.
- High custody detainees:

- are considered high-risk,
- require medium- to maximum-security housing,
- are always monitored and escorted, and
- may not be co-mingled with low custody detainees.

The facility classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security. Grouping detainees with comparable histories together, and isolating those at each classification level from all others, reduces non-criminal and nonviolent detainees' exposure to physical and psychological danger. The system identifies and isolates the detainees whose histories indicate the characteristics of the "hardened criminal" and who are most likely to intimidate, threaten or prey on the vulnerable.

In facilities that have single cell living arrangements, detainees that pose an immediate and serious threat of violence to staff, other detainees, or themselves shall be housed there.

## G. Housing Detainees with Different Classification Levels

Ordinarily, detainees in different custody classification levels are housed separately. When it becomes necessary to house detainees of different classification levels in the same housing unit, the following guidelines shall apply:

1. High custody detainees may not be housed with low custody detainees.
2. Low custody detainees and medium-low custody detainees may be housed together, and medium-high custody detainees and high custody detainees may be housed together:
3. Medium-low custody detainees are those with no history of violent or assaultive charges or convictions, no institutional misconduct, and no gang affiliation.

4. Medium-high and high custody detainees are those with a history of violent or assaultive charges, convictions, institutional misconduct, or those with a gang affiliation
5. Under no circumstance may a medium custody detainee with a history of assaultive or combative behavior be placed in a low custody housing unit.

ICE may provide to facilities specific recommendations or scores based on the ICE custody classification system to further guide facility housing assignments.

## H. Reclassification

All facility classification systems shall ensure that a detainee is reassessed and/or reclassified.

Reclassification assessments shall take into account, among other factors, the detainee's risk of victimization or abusiveness.

Staff shall record whether a classification process is being conducted for an initial classification or subsequent reclassification:

1. The first reclassification assessment shall be completed 60 to 90 days after the date of the initial classification.
2. Subsequent reclassification assessments shall be completed at 90- to 120-day intervals.
3. Special Reclassification Assessments  
Staff shall complete a special reclassification within 24 hours before a detainee leaves the Special Management Unit (SMU), following an incident of abuse or victimization, and at any other time when warranted based upon the receipt of additional, relevant information, such as after a criminal act, or if a detainee wins a criminal appeal, is pardoned or new criminal information comes to light.

If it is documented, suspected or reported that a detainee has been physically or sexually abused or assaulted, the victim's perception of his or her own safety and well-being shall be among the

factors considered.

A detainee may request reclassification in writing by submitting a detainee request form, as described in standard “2.13 Staff-Detainee Communication.” The classification officer shall ordinarily respond in person or in writing as soon as possible and practicable, but no later than within 72 hours of receipt. Any reclassification, however, requires prior supervisory approval on the custody classification form.

#### 4. Permissible Changes

- A detainee may be reclassified at any time to correct classification errors or when new information becomes available.
- A detainee may be reclassified to high custody based on documented behavior, including threats to the facility, other detainees or personnel. Any reclassification to high custody that is not validated by the total custody classification score on the custody classification form must be approved by the classification officer within 72 hours of any event requiring reclassification.
- A medium custody detainee may be reclassified to low custody based on institutional behavior, provided the detainee has been in custody for at least 60 days.

- A detainee may be reclassified any time there are medically documented changes in his/her medical or mental health condition.

### I. Classification Appeal

Classification decisions should be provided to the detainee along with information on the appeal process in a language and manner understood by the detainee.

Classification systems shall include procedures for detainees to appeal their classification levels through written detainee request forms or by filing formal grievances as described in standard “6.2 Grievance System.”

### J. Documentation

Classification forms and supporting documentation shall be placed in the detention file.

### K. Notice to Detainees

The *ICE Detainee Handbook* standard section on classification shall include:

- An explanation of the classification levels, with the conditions and restrictions applicable to each.
- The procedures by which a detainee may appeal his or her classification.

## Appendix 2.2.A: ICE Custody Classification Worksheet

### ICE Custody Classification Worksheet

<b>Part 1. Basic Information</b>		Initial	Reclassification	Special Classification
Field/Sub Office:		Facility:	Date:	
Officer Name:		Language(s) Used during the Interview:		

Alien Number:		DOB:		Gender:	<input type="checkbox"/> F	<input type="checkbox"/> M
Last Name:			First Name:			

### Part 2. Special Vulnerabilities and Management Concerns

Does a Special Vulnerability exist? Inquire, observe, and review all documentation. If based on your assessment the vulnerability exists, select the appropriate boxes below. Also indicate whether there are other management concerns that may affect the custody decision.		<input type="checkbox"/> Y	<input type="checkbox"/> N
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<input type="checkbox"/> serious physical illness <input type="checkbox"/> serious mental illness <input type="checkbox"/> disability <input type="checkbox"/> elderly <input type="checkbox"/> pregnancy <input type="checkbox"/> nursing <input type="checkbox"/> sole caretaking responsibility <input type="checkbox"/> risk based on sexual orientation/gender identity <input type="checkbox"/> victim of persecution/torture <input type="checkbox"/> victim of sexual abuse or violent crime <input type="checkbox"/> victim of human trafficking <input type="checkbox"/> other (specify):	
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Provide further explanation as necessary:	
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If any boxes are checked, consult with the local ICE Field Office regarding appropriate placement and other management considerations, and record the date and time of consultation here:	
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### Part 3. Custody Classification Worksheet

<b>1</b>	Severity of Charge/ Conviction Associated with the ICE Encounter (Use Appendix 2.2.C Severity of Offense Scale)							
	None		<b>0</b>	Enter the score here:  _____				
	Low		<b>2</b>					
	Moderate		<b>4</b>					
	High		<b>6</b>					
	Highest		<b>7</b>					
<b>2</b>	Single Most Serious Conviction in the Individual's Criminal History (Excluding Item 1)							
	See Appendix 2.2.C	None	<b>0</b>	<b>&gt;15 Years</b>	<b>10-15 Years</b>	<b>5-10 Years</b>	<b>&lt; 5 Years</b>	Enter the score here:  _____
		Highest	<b>0</b>	<b>5</b>	<b>5</b>	<b>6</b>	<b>7</b>	
		High	<b>0</b>	<b>5</b>	<b>5</b>	<b>6</b>	<b>6</b>	
		Moderate	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	
		Low	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	
<b>3</b>	Additional Prior Convictions (Excluding Items 1 and 2)							
	None		<b>0</b>	Enter the score here:  _____				
	1-2 misdemeanors, no felonies		<b>1</b>					
	3-4 misdemeanors, or 1 felony		<b>2</b>					
	5 or more misdemeanors, or 2 felonies		<b>4</b>					
<b>4</b>	Supervision History							
	None		<b>0</b>	Enter the score here:  _____				
	Walk-away or attempted escape from an unsecured facility, absconding, bond breach, violations of prior voluntary departure orders or conditions of supervision, or prior revocation of supervision		<b>3</b>					
	Escape or attempted escape from a secure facility		<b>7</b>					
<b>5</b>	Security Threat Group (STG)							
	The individual has no known membership or affiliation with an STG		<b>0</b>	Enter the score here:  _____				
	The individual is a member of an STG		<b>5</b>					
<b>6</b>	History/Pattern of Violence (Two or more arrests)							
	15 or more years ago		<b>1</b>	Enter the score here:  _____				
	Over 10 years and less than 15 years ago		<b>2</b>					
	Over 5 years and less than 10 years ago		<b>3</b>					
	Within the last 5 years		<b>5</b>					
<b>7</b>	Number of Sustained Disciplinary Infractions Involving Violence or Behavior Representing a Threat to the Facility (Institution(s)):							
	None		<b>0</b>	Enter the score here:  _____				
	One		<b>2</b>					
	Two		<b>4</b>					
	Three or more		<b>6</b>					
	Check if data not available:		<input type="checkbox"/>					
<b>Total Custody Classification Score</b> _____								

Custody Level Guideline Ranges					
If there is no arrest or conviction for a violent offense, use this table.			If the person has an arrest or conviction for a violent offense, use this table.		
Low Custody	0-2				
Medium-Low Custody	3-5				
Medium-High Custody	6-11			0-6	
High Custody	12+			7+	
If the Officer makes a custody recommendation outside of the custody level guideline ranges above, provide the rationale and include aggravating/ mitigating circumstances that were considered in the decision:					
<b>Recommendation Outside the Guideline Ranges</b>	Low	Medium-Low	Medium-High	High	
<b>Officer Signature</b>				<b>Date</b>	
<p>In the section below, check the custody level of the individual's housing assignment, following the guidance provided in the instructions, F. Housing Assignment.</p> <p>For purposes of housing medium-custody individuals with low-or high level custody individuals, use the following guidelines:</p> <p>Medium-Low may be housed with low custody individuals;</p> <p>Medium-High may be housed with high-custody individuals; but,</p> <p>Low custody individuals may never be housed with high-custody individuals, or medium custody individuals who have any history of assaultive or combative behavior.</p> <p>If the individual is to be placed in administrative segregation, a copy of the administrative segregation order shall be immediately provided to the Field Office Director or his designee, as required by Standard 2.12 "Special Management Units."</p>					
<b>Final Housing Assignment Custody Level</b>	Low	Medium-Low	Medium-High	High	Administrative
If the Supervisor decides to override the Officer's custody level recommendation, provide the rationale below:					
<b>Supervisor Signature</b>				<b>Date</b>	

# Appendix 2.2.B: Instructions for Completing the ICE Custody Classification Worksheet

## 1. Introduction

Each facility is required to have a formal detainee classification system that starts at admission and is based on verifiable and documented information.

“Classification” and “reclassification” are initial and periodic staff reviews, not only of a detainee’s custody classification, but of that detainee’s general case status, disciplinary record, housing, special needs, adjustment to institutional living, opportunities for voluntary work assignments, and general well-being.

Custody classification is a process of categorizing detainees as low, medium or high custody and housing them accordingly. The ICE Custody Classification Worksheet, attached as Appendix 2.2.A, is designed to systematically document and score information about each detainee in order to produce a total custody classification score that may be used, in conjunction with professional experience and judgment, to guide classification decisions.

The factors considered for custody classification closely align with the “public safety factors” that are part of the broader ICE intake risk assessment and classification process that often begins even before a detainee’s arrival at a detention facility.

While the protection of detainees, staff, contractors, volunteers and the community from harm is an important consideration in determining a detainee’s custody classification, a decision about where and how to house a detainee is also based on the detainee’s physical and mental health and other important factors relating to a detainee’s special needs, which are referred to as “special vulnerabilities” or “management concerns.”

## 2. Specific Instructions for Completing the

## ICE Custody Classification Worksheet

### A. Basic Information – Part 1

Check the appropriate box to indicate whether the form is being completed for:

- Initial classification
- Reclassification. (The first reclassification assessment should be completed 60 to 90 days after the initial classification. Subsequent reclassification assessments should be completed at 90 to 120-day intervals.)
- Special reclassification (see standard “2.2 Custody Classification System”).

Enter the Field/Sub Office, facility and date.

Enter the name of the classification officer and the language(s) used during the interview.

Enter the detainee’s alien number, last name, first name, date of birth, and gender.

### B. Special Vulnerabilities and Management Concerns – Part 2

Special vulnerabilities and management concerns should be taken into account in assigning levels of detention custody.

The classification officer should inquire about and remain alert to signs of any special vulnerability or management concern that may affect the custody determination. Special vulnerabilities may include disability, serious medical or mental health needs, risk based on sexual orientation or gender identity, advanced age, pregnancy, nursing, sole caretaking responsibilities, or victimization, including individuals who may be eligible for relief related to the Violence Against Women Act (VAWA), victims of crime (U visa), or victims of human trafficking (T visa). (To detain individuals confirmed to have vulnerabilities, ICE Officers must prior to the individual’s arrival at the facility have obtained concurrence from the Field Office Director (FOD)

and sent a significant event notice (SEN) to Headquarters.)

Use the boxes provided to check any vulnerability that applies, and provide an explanation if necessary. If any boxes are checked, consult with the local ICE Field Office regarding appropriate placement and other management considerations.

### C. Custody Classification Scoring – Part 3

Item 1—Severity of Charge/Conviction Associated with the ICE Encounter.

Determine the charge or conviction, if any, that is associated with the individual's current ICE encounter, and locate it or a similar offense in "Appendix 2.2.C: Severity of Offense Scale" to determine if it is in the "Low," "Moderate," "High," or "Highest" category. If more than one charge or conviction is involved, choose only the most serious charge/conviction that led to the encounter by consulting the Severity of Offense Scale.

Identify the score associated with the severity category into which the individual's most serious offense falls.

Enter the score in the field provided.

If the individual was last booked and returned to custody for a parole or probation violation, the severity of the current charge/conviction should be based on the offense(s) for which parole or probation was granted.

Item 2—Single Most Serious Conviction in the Individual's Criminal History.

Excluding the entry in Item 1, determine the individual's most serious prior conviction under "Appendix 2.2.C: Severity of Offense Scale" to determine if it or a similar offense is in the "Low," "Moderate," "High," or "Highest" category.

Separate convictions for multiple crimes should be considered independently of each other, regardless of whether they occurred on the same date.

Based on how long ago this conviction occurred, use the table located on the ICE Custody Classification Worksheet to assign a score. For example, if an individual was convicted of burglary with an assault, this would be a "Highest" offense and the row labeled "Highest" on the ICE Custody Classification Worksheet would be used. If the individual was convicted of this offense less than 5 years from the date this form is being completed, then the individual would receive a score of 7.

If the individual's most serious conviction is trespass, this would be a "Low" offense according to "Appendix 2.2.C" and the row labeled "Low" on the ICE Custody Classification Worksheet would be used. If the individual was convicted of this offense within 10-15 years of the date this form is being filled out, then the individual would receive a score of 0.

If the individual has no record of prior convictions, enter 0.

Enter the score in the field provided.

Item 3—Additional Prior Convictions Excluding Items 1 and 2.

Use the ICE Custody Classification Worksheet to score all other misdemeanor and felony convictions that have not been scored in Items 1 and 2 (including all separate convictions obtained for multiple crimes, regardless of whether they occurred on the same date).

Select the highest score applicable to the individual's history of additional prior convictions. For instance, if the individual has been convicted of 2 misdemeanors and 1 felony, a score of 2 (and not 1) should be assigned.

Item 4—Supervision History.

Escapes from correctional settings or programs should be counted if the individual was found guilty of the escape or escape attempt by an institutional disciplinary committee, regardless of court prosecution or conviction status. Do not consider any escapes or attempts scored in Item 1.

With regard to “violations of prior voluntary departure orders,” an individual should be scored 3 points only if he/she has *repeated* failures to appear for his/her immigration hearings. Do not include a single failure to appear for an immigration hearing.

Enter the score corresponding to the individual’s most serious escape attempt in the field provided.

Item 5—Security Threat Group.

### **Security Threat Group (STG)**

A Security Threat Group (STG) member is any individual, who through association, ideology, self-identification, identifying symbol(s), or activities and/or conduct (both inside and outside custodial environments), is known to pose a threat to the safety of the community, the security of ICE staff, ICE facilities, and/or those in ICE custody.

### **Security Threat Group (STG) Examples**

- Traditional Prison Gangs
- Traditional Street Gangs
- Non-Traditional Gangs
- Transnational Criminal Organizations
- Foreign and Domestic Terrorist Organizations
- Special Groups

**Enter 0** if there is no known affiliation or membership.

**Enter 5** if there is documentation or a self-admission that the individual is a member of an STG.

### **Item 6 – History/Pattern of Violence**

If the individual has two or more prior arrests for violence against the person, use Item 6 to score those arrests. The less recent the occurrence of the arrests, the lower the score. Use the most recent arrest to calibrate the time period. If the more recent of the two arrests for a violent offense occurred within the last 5 years, score this item as a 5. If the more recent of the two arrests occurred over 5 years ago, and less

than 10 years ago, score the item as a 3. If the more recent of the two arrests occurred more than 10 years ago, and less than 15 years ago, score this item as a 2. If the arrest occurred more than 15 years ago, score this item as a 0.

### **Item 7—Number of Sustained Institutional Disciplinary Infractions**

Sustained disciplinary infractions should be counted if they involved violence or behavior representing a threat to the facility. Using records from a current period of ICE detention and/or prior periods of detention or imprisonment, calculate and enter the appropriate number of points. As a general matter disciplinary offenses that involve violence or behavior representing a threat to the facility are those listed in the “Greatest” and “High” offense categories in standard “3.1 Disciplinary System”, Appendix 3.1.A. These offenses are also listed in Appendix 2.2.D. If no information is available, check the box and score Item 7 as 0.

### **D. Total Custody Classification Score**

Add the points in Items 1 through 7 to calculate the detainee’s total custody classification score.

### **E. Classification Officer’s Recommended Custody Level**

In the area designated “Custody Level Guideline Ranges,” check the box that corresponds to the value entered for the total custody classification score. If the detainee has no violent conviction, use the following scoring ranges. If the total score is 0-2, check the Low Custody box. If the total score is 3-5, check the Medium-Low Custody box. If the total score is 6-11, check the Medium-High Custody box. If the total score is 12 or more, check the High Custody Box. If the detainee has a violent conviction, use the following scoring ranges. If the detainee’s total score is 0-6, check the Medium-High Custody box. If the total score is 7 or more, check the High Custody box.

If a decision is made to recommend a custody level

that falls outside of the ranges prescribed by the worksheet, note in the space provided the aggravating/mitigating or other circumstances that justify that decision. The space should also be used for any other matters the classification officer would like to document or call to the attention of the supervisor with regard to the detainee's custody classification and housing.

In the area designated "Recommendation Outside the Guideline Ranges," check the custody level box that corresponds to the custody level recommendation made that differs from that prescribed by the Custody Level Guideline Ranges.

#### **F. Housing Assignment**

In the area designated "Final Housing Assignment Custody Level," check the level of custody of the individual's housing assignment.

If the detainee is to be placed in administrative segregation, a copy of the administrative segregation order shall be immediately provided to the Field Office Director or his designee, as required by

#### **Standard 2.12 "Special Management Units."**

For purposes of housing medium-custody individuals with low or high level custody individuals, use the following guidelines:

Medium-Low may be housed with low custody individuals;

Medium-High may be housed with high-custody individuals; but,

Low custody individuals may never be housed with high-custody individuals, or medium custody individuals who have any history of assaultive or combative behavior.

ICE may periodically provide additional recommendations and guidance.

#### **G. Supervisory Approval**

In the area designated "Supervisor Signature," the supervisor should sign and date the ICE Custody Classification worksheet indicating his/her approval of the decisions recorded in this worksheet.

## Appendix 2.2.C: Severity of Offense Scale

### I. HIGHEST

- Aiding Escape
- Aggravated
- Battery with Deadly Weapon
- Armed Robbery (Multiple with injury)
- Burglary with Assault
- Escape (Secure Facility)
- Inciting Riot
- Kidnapping
- Murder (1st, 2nd degree)
- Sexual Battery (with violence upon a minor)

### II. HIGH

- Aggravated Assault
- Aggravated Battery
- Aggravated Child Abuse
- Arson
- Battery Law Enforcement Officer
- Burglary (Armed)
- Extortion
- False Imprisonment
- False Report of Bombings
- Controlled Substances (Importation, Trafficking)
- Introduction of Contraband into Detention Facility
- Manufacture of Explosives
- Robbery (armed, strong armed)
- Sexual Battery (other than capital or life felony)

### III. MODERATE

- Armed Trespass
- Burglary
- Carrying Concealed Firearm
- Forgery
- Grand Theft
- Manslaughter
- Sale, Delivery, Possession of Controlled Substance
- Tampering with Witness
- Worthless Checks (felony)
- Welfare Fraud (felony)
- Escape (Non-secure Facility)

### IV. LOW

- Driving under the Influence
- Leaving the scene of Accident
- Battery (Simple Assault)
- Carrying Concealed Weapon (other than firearm)
- Disorderly Conduct
- Gambling
- Offering to Commit Prostitution
- Possession Marijuana (misdemeanor)
- Possession Drug Paraphernalia
- Petit Theft
- Trespass
- Worthless Check (misdemeanor)

# Appendix 2.2.D: Disciplinary Offenses Involving Violence or Behavior Representing a Threat to the Facility

## I. "Greatest" Offense Category

- 100 Killing
- 101 Assaulting any person (includes sexual assault)
- 102 Escape from escort; escape from a secure facility
- 103 Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of greatest severity [e.g., a riot or an escape]; otherwise the charge is classified as Code 218 or 321)
- 104 Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive, escape tool, device or ammunition
- 105 Rioting
- 106 Inciting others to riot
- 107 Hostage-taking
- 108 Assaulting a staff member or any law enforcement officer
- 109 Threatening a staff member or any law enforcement office with bodily harm
- \*198 Interfering with a staff member in the performance of duties (conduct must be of the greatest severity; this charge is to be used only if another charge of greatest severity is not applicable)
- \*199 Conduct that disrupts or interferes with the security or orderly running of the facility (conduct must be of the greatest severity;

this charge is to be used only if another charge of greatest severity is not applicable)

## II. "High" Offense Category

- 200 Escape from unescorted activities open or secure facility, proceeding without violence
- 201 Fighting, boxing, wrestling, sparring and any other form of physical encounter, including horseplay, that causes or could cause injury to another person, except when part of an approved recreational or athletic activity
- 202 Possession or introduction of an unauthorized tool
- 203 Loss, misplacement or damage of any restricted tool
- 204 Threatening another with bodily harm
- 205 Extortion, blackmail, protection and demanding or receiving money or anything of value in return for protection against others, avoiding bodily harm or avoiding a threat of being informed against
- 206 Engaging in sexual acts
- 207 Making sexual proposals or threats
- 208 Wearing a disguise or mask
- 209 Tampering with or blocking any lock device
- 210 Adulterating of food or drink
- 211 Possessing, introducing, or using narcotics, narcotic paraphernalia or drugs not prescribed for the individual by the medical staff
- 212 Possessing an officer's or staff member's clothing
- 213 Engaging in or inciting a group demonstration
- 214 Encouraging others to participate in a work stoppage or to refuse to work

- 215 Refusing to provide a urine sample or otherwise cooperate in a drug test
- 216 Introducing alcohol into the facility
- 217 Giving or offering an official or staff member a bribe or anything of value
- 218 Giving money to, or receiving money from, any person for an illegal or prohibited purpose (e.g., introducing/conveying contraband)
- 219 Destroying, altering, or damaging property (government or another person's) worth more than \$100
- 220 Being found guilty of any combination of three or more high moderate or low moderate offenses within 90 days
- 222 Possessing or introducing an incendiary device (e.g., matches, lighter, etc.)
- 223 Engaging in any act that could endanger person(s) and/or property
- \*298 Interfering with a staff member in the performance of duties (conduct must be of highest severity; this charge is to be used only when no other charge of highest severity is applicable)
- \*299 Conduct that disrupts or interferes with the security or orderly operation of the facility (conduct must be of highest severity; this charge is to be used only when no other charge of highest severity is applicable)