

U.S. Department of Homeland Security
630 Sansome Street
San Francisco, CA 94111



U.S. Immigration
and Customs
Enforcement

February 8, 2018

MEMORANDUM FOR: Tae D. Johnson
Assistant Director for Custody Management

THROUGH: Jay M. Brooks *JMB*
Deputy Assistant Director for Custody Management

FROM: Erik S. Bonnar
Acting Field Office Director

SUBJECT: Waiver for Correspondence and Other Mail

ERIK S
BONNAR

Digitally signed by ERIK S BONNAR
DN: c=US, o=U.S. Government,
ou=Department of Homeland Security,
ou=ICE, ou=People, cn=ERIK S BONNAR,
c.9.2342.19700300.100.1.1+0849328990.ICE
Date: 2018.02.08 10:14:59 -0800

Purpose

Request a waiver for the Yuba County Jail (YUBAJCA) as it relates to the Correspondence and Other Mail, Part 1, Item 3, Section III, Subsections E(1) and F(1) within the 2000 National Detention Standards (NDS), which states:

“In SPCs/CDFs, staff shall open and inspect incoming general correspondence and other mail (including packages and publications) in the presence of the detainee. Incoming general correspondence may be read to the extent necessary to maintain security, as authorized by the OIC.”

In the case of outgoing mail, Subsection F(1) states” In SPCs/CDF, the detainee must be present when correspondence or other mail, including packages, is inspected, unless otherwise authorized by the OIC.”

Inspection is generally for the purpose of detecting contraband. The reading of mail, which requires approval of the OIC, may be conducted at random. Mail may also be read when a specific security concern arises with respect to an individual detainee, to reveal such information as escape plots, plans to commit illegal acts, plans to violate institution rules, etc.”

Background

Yuba County Jail is a 428 bed Intergovernmental Service Agreement (IGSA) facility, located in Marysville, California. Yuba County Jail houses approximately 200 ICE detainees daily for Immigration and Customs Enforcement (ICE).

FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)

www.ice.gov

Waiver for Correspondence and Other Mail

Page 2 of 2

On November 7-9, 2017, the Nakamoto Group, Inc. performed an annual inspection for compliance with the ICE National Detention Standards (NDS) of the Yuba County Jail in Marysville, CA. At the conclusion of the inspection, the Nakamoto Group found that the Yuba County Jail was not in compliance with Correspondence and Other Mail, Part 1, Item 3, Section III, Subsections E(1) and F(1) within the 2000 National Detention Standards (NDS) the ICE National Detention Standards. This component was rated deficient because general correspondence and other mail was opened and inspected outside the presence of the detainees.

Discussion

Currently the jail staff allows all outgoing official correspondence to the media, members of the State Bar of California, State and Federal Courts, elected officials, Grand Jury, the Sheriff, and Commander of the Jail or the Jail to be sealed and mailed without inspection by the jail staff. Jail policy directs that all outgoing non-official mail is picked up, unsealed, by the floor deputy. Jail staff will inspect contents for contraband, security reasons and other legitimate law enforcement purposes prior to sealing and mailing. The inspection of incoming personal correspondence for contraband, drugs, weapons, checks, currency and money orders is done outside the presence of the detainees for the safe and orderly operation of the facility. Having uninspected personal mail reach the interior hard area of the jail carries a greater potential threat to jail security and a greater risk of facilitating criminal activity and introducing contraband. In addition to security concerns, any arrangements that would facilitate a secure environment to open all personal mail in front of each detainee would require time and manpower demands outside the capability of the Yuba County Jail staff and would hamper the ability to deliver the mail timely.

In any case, mail is not read by jail staff except where there is a valid security reason to justify such action and is approved by the OIC.

Recommendation

I recommend that you approve a waiver to Correspondence and Other Mail, Part 1, Item 3, Section III, Subsections E(1) and F(1) within the 2000 National Detention Standards (NDS) which states, "In SPCs/CDFs, staff shall open and inspect incoming general correspondence and other mail (including packages and publications) in the presence of the detainee. Incoming general correspondence may be read to the extent necessary to maintain security, as authorized by the OIC."

If circumstances change, this waiver can be amended or rescinded at any time.

Approve/date Job 11/5/18 Disapprove/date _____
Modify/date _____ Needs more discussion _____

FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)

www.ice.gov