

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

May 10, 2017

MEMORANDUM FOR: Tae D. Johnson
Assistant Director
Custody Management

THROUGH: Andrew Lorenzen-Strait
Deputy Assistant Director
Custody Programs

FROM: Corey Price
Field Office Director
El Paso Field Office

SUBJECT: Custody Classification Waiver for the Transgender Unit at the
Cibola County Correctional Center

Purpose

Provide a waiver for the Transgender Unit (TU) at the Cibola County Correctional Center as it relates to an applicable section of the 2011 Performance-Based National Detention Standards (PBNDS 2011).

Background

The PBNDS 2011 Classification Levels and Housing Assignments in Classification System, Sections (V) (F-G) states in part: "[a]ll facilities shall ensure that detainees are housed according to their classification level" and specifies:

- Level 3 detainees may not be housed with Level 1 detainees;
- Level 1 detainees and low Level 2 detainees may be housed together, and high Level 2 detainees and Level 3 detainees may be housed together; and
- Under no circumstance may a Level 2 detainee with a history of assaultive or combative behavior be placed in a Level 1 housing unit.

Discussion

The Cibola County Correctional Center has adopted numerous best practices outlined in U.S. Immigration and Customs Enforcement's (ICE) *Transgender Care Memorandum*, allowing the detention center to operate a TU to serve as a protective custody housing unit for transgender

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detainees. Because of a limitation of housing resources available for this detained population, the ERO El Paso Field Office believes it is necessary to mix classification housing and assign Level 1, Level 2, and/or, Level 3 detainees to the TU at the same time. The security and safety of ERO employees, detainees, and detention staff remains paramount in all housing decisions, and we recognize the possibility that we may need to mix classification housing in order to protect ICE's vulnerable transgender population.

Recommendation

I recommend authorization of a multi-year waiver (until such time as ICE seizes to use the facility) for the TU at the Cibola County Correctional Center to relax classification requirements set forth in Sections (V) (F-G) of the PBNDS 2011 and to allow for mixed classification housing. This waiver will be retroactive as of May 9, 2017, when the TU officially opened and began accepting detainees. At the end of the specified period, we will assess the effectiveness of this policy, and reserve the option to extend as is, modify, or cancel the waiver agreement at that time.

Approve / date  5/11/17 Disapprove / date _____

Modify / date _____ Needs more discussion _____