

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



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

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

THROUGH: Jay M. Brooks
Deputy Assistant Director, Custody Management Division

FROM: Kyle Milowski
(Acting) Unit Chief, Detention Standards Compliance Unit

SUBJECT: Waiver for Italicized Sections of the 2000 NDS

Purpose

Provide a waiver for the Washoe County Jail as it relates to Sections of the 2000 National Detention Standards (NDS).

Background

The Washoe County Jail is an Intergovernmental Service Agreement (IGSA) facility, located in Reno, Nevada. Washoe County Jail (WCJ) houses approximately 25 ICE detainees daily for Immigration and Customs Enforcement (ICE). The facility is an Over-72 hour detention center, and is inspected under the NDS. Because there is no detained EOIR docket in Reno, the average daily population of ICE detainees at the facility is 16 and the average length of stay is 7 days.

Historically, the Reno ERO office has identified items in the 2000 NDS where it has been reasonable to work with WCJ in order for them to meet the intent of the standard rather than imposing major operational burdens to accommodate the relatively low ICE ADP.

Discussion

The Washoe County Jail requests the waiver of the below NDS 2000 provisions in order to continue providing detainees and the agency with all of the known quality of services monitored in the past.

Sections to be waived

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Sections to be waived

Law Library – The WCJ does not have a designated law library. Several years ago, HQERO approved a work-around, which allows for a stand-alone computer and printer to be provided by ERO and maintained at the WCJ for any ICE detainee who desires to utilize law library resources. The computer is updated with Lexus Nexus software on a regular basis by ERO.

Barbershop – The WCJ does not have a designated barbershop and setting one up would be cost prohibitive. Instead, every pod housing detainees has a set of hair clippers available for checkout and use under the supervision of the deputy on duty. The supervising officer is required to ensure all safety procedures as well as appropriate hygiene is followed, and maintained.

Food Services Ceremonial Meals Schedule – The WCJ detainee handbook informs detainees that ceremonial and religious meals are to be requested through the facility chaplain. This was approved in previous UCAPs as meeting the intent of the standard.

Pest Control Inspections – The standard requires that a “Licensed/Certified/Trained” pest-control professional conduct inspections. The WCJ has assigned a specific staff member who regularly monitors the facility for pest control issues and is responsible for contracting with a professional company on a regular basis.

Recreational Specialist – The WCJ does not employ a full-time recreational specialist. Rather, a staff member coordinates recreational and extracurricular programs for all detainees. This was approved in previous UCAPs as meeting the intent of the standard.

Special Management Unit – If an ICE detainee is identified for placement in the disciplinary segregation unit, ICE is immediately notified and will transfer the detainee to another detention facility within 24 hours and prior to the detainee being placed in disciplinary segregation. This work-around was approved in previous UCAPs as meeting the intent of the standard. In addition, ICE has not had to implement this approach at the WCJ for several years due mostly to the relatively low length of stay for ICE detainees at the WCJ.

Recommendation

The Washoe County Jail has worked closely with ICE to ensure that it meets or exceeds the intent of the ICE standards and routinely has received final ratings of acceptable or better. A waiver of the above standards as they relate to the Washoe County Jail will reduce the number of sections incorrectly identified as repeat deficiencies and thus reduce the work required to complete the inspection process. I recommend that you approve a waiver for the Washoe County Jail for the above elements of the NDS 2000. If circumstances change, this waiver can be amended or rescinded at any time.

Approve/date Jay M Brooks 5/14/13 Disapprove/date _____
Modify/date _____ Needs more discussion _____