

# 7.2 News Media, Interviews, and Tours

## Introduction

This U.S. Immigration and Customs Enforcement (ICE) Family Residential Standard ensures that the public and the media are informed of events within the Center's areas of responsibility through interviews and tours.

Various terms used in this standard may be defined in the ICE Family Residential Standard on *Definitions*.

## Program Philosophy

The requirements of this standard must be implemented in accordance with the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes*.

### A. Language Access and Disability Requirements

Centers will adhere to the language access and disability laws, regulations, responsibilities, requirements, and laws cited in the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes* and the ICE Family Residential Standard on *Disability Identification, Assessment, and Accommodation*. These requirements must be promulgated in all Center policies, practices, and operations and its themes must be fully incorporated into every Center activity. This is of critical importance and will directly impact resident life, health, and safety.

## Expected Outcomes

The expected outcomes of this standard are as follows (specific requirements are defined in the Expected Practices section in this standard):

1. The public and the media will be informed of operations and events within the Center's areas of responsibility.
2. Resident and staff privacy will be protected, including the right of a resident not to be photographed or recorded.
3. All other guidance provided by ICE regarding external visits and tours by external stakeholders (including members of Congress and Congressional staff) will be followed.

## Standards Affected

This standard replaces the ICE Family Residential Standard on *News Media, Interviews, and Tours* dated 12/21/2007.

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### Expected Practices

#### A. News Media Interviews and Tours

##### 1. General

ICE/Enforcement and Removal Operations (ERO) supports the provision of public access to non-classified, non-sensitive, and non-confidential information about its operations in the interest of transparency. Access will not be denied based on the political or editorial viewpoint of the requestor.

ICE/ERO also has a responsibility to protect the privacy and other rights of residents, including the right of a resident not to be photographed or recorded.

By regulating interviews in this setting, the Center Administrator ensures safe and secure Center operations.

Interviews by reporters, other news media representatives, nongovernmental organizations, academics, and parties not included in other visitation categories in the ICE Family Residential Standard on *Visitation* will be permitted access to Centers only by special arrangement and with prior approval of the respective Field Office Director (FOD), and with notification to Juvenile and Family Residential Management Unit (JFRMU) Chief. The FOD may designate Public Affairs Officers (PAOs) to serve in Field Offices as liaisons with media representatives for some or all requests and communications covered by this standard.

##### 2. Media Representatives

The term “media representative” is intended to refer to persons whose principal employment is to gather, document, or report news for any of the following entities:

- A newspaper that circulates among the general public and publishes news of a general interest (e.g., political, religious, commercial, or social affairs);
- A news magazine with a national circulation sold to the general public by newsstands and mail subscriptions;
- A national or international news service;
- A radio or television news program of a station licensed by the Federal Communications Commission; or
- Other representatives or entities that gather information in accordance with the definition of “representative of the news media” contained in the Freedom of Information Act (5 U.S.C. § 552(a)(4)(A)(ii)) as amended by section 3 of P.L.110-175.

In addition to those persons listed above, such representatives may include, but are not limited to, individuals reporting for certain electronic media outlets, online media publications, and other media freelance journalists.

For the purpose of this standard, nongovernmental organizations (NGOs), academics, and parties not included in other visitation categories in the ICE Family Residential Standard on *Visitation* will be treated as media representatives.

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### 3. Media Visits and Tours

Media representatives may request advance appointments to tour Centers, according to the stipulations outlined in this section.

To tour a Family Residential Center, visitors will contact the ICE Office of Public Affairs (OPA) or the FOD. The OPA will relay the outcome of the request to the media representative once the FOD has made a determination and set any additional guidelines for the interview/tour to take place.

Prior to the tour, visitors will receive the terms and guidelines of the tour in writing.

Visitors will abide by the policies and procedures of the Center being visited or toured. Failure to abide by these policies and procedures could result in termination of the visit and denial of future tour/visit requests.

Visitors must obtain advance permission from the Center Administrator and FOD before taking photographs in or of any Center. Residents have the right not to be photographed (still, movie, or video), and not to have their voices recorded by the media. Thus, the Center Administrator will advise both visitors and residents that use of any resident's name, identifiable photo, or recorded voice requires that individual's prior permission. Media representatives will provide ICE/ERO with the resident's signed resident release before photographing or recording the resident's voice. When the resident is a minor, the media representative also will provide ICE/ERO with a signed release by the minor's parent/guardian before photographing the minor or recording his/her voice. The original form will be filed in the resident's alien file (A-file) with a copy placed in the Center's file.

If the presence of video, film, or audio equipment or related personnel poses a threat to the safe and secure operations of the Center, its staff, or its residents, then the JFRMU Chief or the FOD may limit or prohibit such access. For example, the JFRMU Chief or the FOD may limit the equipment to hand-held cameras or recorders.

During and after an emergency, or when indications exist that extra security measures may be needed due to a possible disturbance in the Center, the FOD may suspend visits for an appropriate period.

### 4. Personal Interviews

A media representative or member of the public, including NGOs and academics, planning to conduct a personal interview at a Center will submit a written request to the responsible FOD, preferably 48 hours prior to, and no fewer than 24 hours prior to, the time slot requested. The FOD may waive the 24-hour rule if convinced of the need for urgency.

Staff will inform the resident of the interview request. Before the FOD considers the interview request, the resident must then indicate his/her willingness to be interviewed by signing a consent form. The original written consent will be filed in the resident's A-file, and a copy will be placed in the Center's file. When the resident is a minor, the media also will submit a signed release by the minor's parent/guardian before consideration.

When the resident is part of a controversy or of a special interest or high-profile case, the FOD will consult with ICE/ERO Headquarters Management and the local ICE OPLA before deciding whether to allow the interview.

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Appendix 7.2.A: News Interview Authorization provides a sample “News Interview Authorization” form that may be used. The original of the form will be filed in the resident’s A-file with a copy in the Center’s file. Residents should neither be pressured nor coerced out of granting the interview request, nor should the Center in any way retaliate against a resident for lawful communication with a member of the media or a member of the public.

The Field Office normally will act in writing within 48 hours of the written request. Possible reasons for disapproval may include, but are not limited to, the following situations:

- The news media representative or news organization he/she represents or the visitor does not agree to the conditions established by this policy or has previously failed to abide by them.
- The resident is physically or mentally unable to participate, as indicated by the statement of the Center’s Clinical Medical Authority.
- The FOD finds it probable that the proposed interview may endanger the health or safety of the interviewer, cause serious unrest within the Center, or disturb safe and secure Center operations.
- The resident is involved in a pending court action and the court with jurisdiction over the matter has issued a gag rule, or the FOD, after consultation with the Office of the Principal Legal Advisor (OPLA), thinks the proposed interview could affect the outcome of the court case.

If the requesting party believes the request was denied unfairly or erroneously, then the requesting party may contact ICE/ERO headquarters. A media request will not delay or otherwise interfere with the admission or departure of residents. Consequently, the routine processing of residents will take precedence over resident interviews.

Interviews will take place during normal business hours in a location determined by the Center Administrator. The Center Administrator will provide a location conducive to the interviewing activity, consistent with safe and secure Center operations. The FOD may limit the number of interviews with a particular resident to a reasonable number per month. Further, if interviews are imposing a serious strain on staff or Center resources, then the FOD may restrict the time allotted for interviews.

For Center safety and security, ICE/ERO reserves the right to monitor, but not participate in, resident interviews.

A media representative interested in touring the Center and photographing or recording any other residents in conjunction with an individual interview must follow all applicable requirements and procedures, and will indicate this interest at the time of his/her request for an interview.

### 5. Press Pools

A press pool may be established when the PAO, FOD, and Center Administrator determine that the volume of interview requests warrants such action.

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In such an event, the PAO will notify all media representatives with pending or requested interviews, tours, or visits that, effective immediately and until further notice, all media representatives must comply with the press pool guidelines established by the FOD.

All material generated from such a press pool must be made available to all news media, without right of first publication or broadcast.

The press pool will comprise one member each from the following groups:

- A television outlet (for video);
- A radio network outlet;
- A print outlet; and
- A still photographer.

Each group will choose its representative for the press pool. The FOD will, upon request, provide the media information about a resident, provided such information is a matter of public record and not protected by privacy laws, U.S. Department of Homeland Security policy, or ICE/ERO policy. Security and safety concerns for staff and residents require that specific discharge-related data remain confidential.

### 6. Special Conditions for Media Representatives

To be approved to interview or visit a resident or tour a Center, the media representative must certify that he/she is familiar with and accepts the rules and regulations governing media conduct. He/she must at all times comply with those rules and regulations.

Media representatives will collect information only from a primary source, and will neither solicit nor use personal information from one resident about another who is unwilling to be interviewed.

A media request may not delay or otherwise interfere with the admission, in-processing, or departure of any resident. Routine processing of ICE residents will take precedence over media interviews. Media representatives may discuss with the PAO objections, suggestions, exceptions, and general issues concerning the applicability of any rule, regulation, or order in advance of the interview or visit.

## B. NGO and Other Agency Stakeholder Center Tours, Visitation, or Tours with Visitation

For the purpose of this standard, NGOs, academics, and parties not included in other visitation categories in the ICE Family Residential Standard on *Visitation* will be treated as media representatives.

ICE Centers will maintain an open and transparent approach to immigration enforcement through managed access of stakeholders participating in approved tours, visits, or tours with visitation. All tour and visit requests will be governed by this standard and other applicable ICE policies or procedures on NGO and/or stakeholder access to Centers.

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All requests by NGOs and other stakeholders (which include, but are not limited to, community service organizations, intergovernmental entities, faith-based organizations, members of academia, and legal groups (e.g., *pro bono* legal service provider groups)) for tours, visits, or tours with visits must be submitted in writing to the local ICE/ERO Field Office supervising the Center or the ICE Office of State, Local, and Tribal Coordination. Tour requests should not be directed to the Center.

All requests will be forwarded to the FOD for review. When deciding whether to approve or deny the request, the FOD or his/her designee will take into consideration safety and security, and the availability of personnel to staff the tour, visitation, or tour with visitation. All tour or visit participants will be expected to submit personal information required by applicable ICE policies, so ICE/ERO can perform background checks as necessary.

When requesting visitation or a tour with visitation, stakeholders may pre-identify any resident with whom they may wish to speak by providing the Field Office with a list of specific residents in advance. Stakeholders are not required to pre-identify a resident with whom they may wish to meet during their tour and/or visit. To meet with residents who have not been pre-identified, stakeholders will provide to ICE/ERO a sign-up sheet for residents to indicate that they wish to meet with the stakeholder.

All stakeholders will provide ICE/ERO a completed tour/visitation notification flyer and a signed ICE Stakeholder Visitor Code of Conduct form or its equivalent.

If the tour/visit is approved, then the Center will post both the ICE/ERO sign-up sheet and the ICE/ERO stakeholder tour/visit notification flyer at least 48 hours in advance of the tour or visitation in appropriate locations (e.g., Resident Information Centers, living and activity areas). Center staff also may make appropriate oral announcements to residents about the upcoming tour/visit (e.g., announcement during meal times). Center staff is not required to inform a resident's attorney that a stakeholder will tour/visit the Center or to oversee the content of the consent form or ensure that the resident and the stakeholder have completed it.

On the day of the visitation, the Center staff will give the NGO or stakeholder access to pre-identified residents and/or to residents who have signed up in advance to speak with the stakeholder. The Center staff will arrange for the visitation to occur in a pre-determined living and activity area or space.

The Center staff may maintain a physical presence in the meeting room to maintain safety and security.

To ensure security and avoid any disruptions in daily operations, all NGOs and other stakeholders touring and/or conducting visitation with residents will maintain proper and appropriate decorum, adhere to applicable ICE/ERO and Center standards, and may be asked to sign a code of conduct form.

This standard does not apply to: (1) Legal Orientation Program or Know Your Rights presentation providers; (2) law firms, organizations, or sole attorney practitioner providing or seeking to provide legal representation; and (3) health care practitioners with a request from a resident's counsel to conduct an examination relevant to the resident's case.

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### References

- ICE Family Residential Standard on Definitions
- ICE Family Residential Standard on Program Philosophy, Goals, and Expected Outcomes
- ICE Family Residential Standard on Visitation