

EXHIBIT P



**HOMELAND SECURITY ADVISORY
COUNCIL**

**Report of the
Subcommittee on Privatized Immigration
Detention Facilities**

December 1, 2016

- First, the private contracting companies have their own inspection and monitoring processes. (ICE is now working to enhance and standardize the requirement for such contractor action through a new Quality Assurance Surveillance Program (QASP).)
- Second, ICE ERO conducts annual inspections of all facilities that hold persons for over 72 hours (about 146 facilities), which includes SPCs. (As of September 12, 2016, ICE has 180 authorized detention facilities.) This review is carried out through an inspection contract with The Nakamoto Group, Inc. Nakamoto's teams, which do not include ICE personnel or outside subject-matter experts, focus on quantitative measurement of inputs rather than qualitative inquiry. (The quantitative process addresses, for example: Does the facility have a written policy that meets the applicable ICE standards on outdoor recreation or on staff training? Did the facility follow all the sequential steps in the prescribed procedures for video recording of use-of-force incidents? In the subcommittee's view, qualitative review could better assess the extent to which policies are implemented in daily practice.)
- Third, ICE's Office of Detention Oversight regularly undertakes more extensive inspections of roughly 100 of the largest ICE detention facilities. These inspections, which focus on core standards that affect detainee health, safety, and well-being, are undertaken by teams headed by ODO personnel, supplemented by subject matter experts and supported by contracted staff. These inspections occur on a three-year schedule (approximately 30-35 per year, thus covering about 100 facilities in each three-year cycle), but are done more frequently if needed in light of reported problems.
- Fourth, DHS's Office of Civil Rights and Civil Liberties (CRCL), which reports directly to the Secretary of Homeland Security, receives complaints from detained individuals and their counsel, and also follows other sources of information about conditions in ICE detention facilities. Based on its review of complaints and further inquiry, it makes recommendations to the Department for changed practices, and it also schedules 10-15 intensive site visits each year to ICE detention facilities, led by experienced CRCL officers and also involving subject matter experts.

A structure providing differentiated and layered inspection procedures for different-sized detention facilities, with the most intensive inspections applied based on evidence of persistent or acute problems, is basically sound. Closer and more detailed attention should indeed be paid to those centers housing more detainees or holding them for lengthier periods. But our inquiry suggests many improvements to the overall DHS inspection regime that could and should be implemented.

Specific recommendations regarding inspections and remediation:

Inspections based on the Prison Rape Elimination Act (PREA) are planned for launch in 2017, to be conducted by auditors from outside the Department.