

**Department of Homeland Security
Office of the Immigration Detention Ombudsman
Plan for Improving Access to OIDO Public Engagement
Programs and Activities for Individuals with Disabilities
April 2024 (Amended August 2024)**

I. Introduction

The Department of Homeland Security (DHS) Office of the Immigration Detention Ombudsman (OIDO) developed this plan to strengthen nondiscrimination for individuals with disabilities encountered and served by OIDO, pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504). On September 25, 2013, the DHS Under Secretary for Management issued Directive 065-01, *Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment)*. Among other things, the Directive requires each DHS Component to designate a lead Disability Access Coordinator (DAC) and supporting Coordinators where needed, conduct a Self-Evaluation of its programs and activities to identify barriers and gaps in ensuring access for individuals with disabilities, and develop a Component Plan to address the results of the Self-Evaluation—all of which OIDO completed in collaboration with the DHS Office for Civil Rights and Civil Liberties’ (CRCL) process recommendations. OIDO appointed an OIDO DAC (ODAC), conducted a Self-Evaluation, and took immediate steps to address barriers and gaps that were identified through the Self-Evaluation. This document is OIDO’s Component Plan.

II. Executive Summary

Pursuant to DHS Directive 065-01 and the accompanying Instruction 065-01-001, *Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-employment)*, OIDO conducted its Self-Evaluation between May and August 2023. OIDO used the Self-Evaluation Tool contained within CRCL’s Component Self-Evaluation and Planning Reference Guide to conduct interactive discussions across OIDO.

The outcome of these discussions revealed a strong commitment across OIDO to provide individuals with disabilities equal access to its public-facing activities and programs. In addition, the results of the Self-Evaluation revealed three main areas for improvement: training and awareness; policies, procedures, and guidance; and contracts.

1. **Training and Awareness.** There are noted gaps in training and awareness of the obligation to provide auxiliary aids and services to individuals with disabilities across OIDO including:
 - a. OIDO staff with a persistent presence in detention facilities:¹ These staff need greater familiarity with the Department’s legal obligations under Section 504 as well as component DACs in Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) to coordinate or assist with providing reasonable modifications or auxiliary aids or services for detained noncitizens needing access to ICE, CBP and OIDO programs and activities; and
 - b. OIDO staff with irregular presence in detention facilities: These staff need familiarity with the Department’s legal obligations under Section 504 as well as appropriate processes for facilitating and/or providing auxiliary aids or services for members of the public in need of reasonable modifications and disability access-oriented documents.

2. **Policies, Procedures, and Guidance.** There is a need to develop written policies, procedures, and guidance to the workforce to further improve OIDO’s efforts to achieve and provide consistent accessibility in its programs and services. Most of OIDO’s work takes place within ICE and CBP facilities. OIDO staff have historically relied on other DHS Components’ nondiscrimination policies, aids and services depending on the facility. Outside federal facilities, OIDO’s work with the public takes place through stakeholder meetings, roundtables, conferences, or meetings with detainee advocates, friends, and families. OIDO needs to have its own policies and procedures in place to guide interactions both in an outside of federal immigration detention facilities to ensure non-discrimination.

3. **Contracts.** There is a need to ensure that language describing nondiscrimination obligations for OIDO contract staff under 504 are contained within the contract’s statement of work. This is a requirement under Section 504.

The Self-Evaluation also indicated that no complaints had been filed against OIDO for failure to provide reasonable modifications to members of the public during the three years prior to the Self-Evaluation. OIDO is committed to ensuring nondiscrimination based on disability in the conduct of its programs and activities.

This Disability Access Plan (the “Plan”) creates a comprehensive, Office-wide initiative to embed nondiscrimination for individuals with disabilities in all OIDO programs and activities

¹ OIDO staff are defined in this document as employees, personnel, contractors, volunteers, interns, and any individuals performing work for OIDO.

that impact the public. The goal of this initiative is to ensure that OIDO accomplishes its ombuds mission while respecting the civil rights of individuals with disabilities in accordance with DHS policy and regulations related to Section 504. As such, this Plan addresses the areas of opportunity to strengthen access to OIDO programs and activities by qualified individuals with disabilities; documents OIDO's policies on disability access; and identifies procedures for providing reasonable modifications for qualified individuals with disabilities encountered in OIDO programs and activities.

III. Component Plan to Address Barriers and Gaps

A. Responsible Staff

OIDO Ombudsman and Deputy Ombudsman: The OIDO Ombudsman and Deputy Ombudsman shall issue formal policy and procedures in writing to OIDO staff regarding OIDO's obligations under Directive 065-01, *Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment)* and notify OIDO staff as necessary of any policy or procedure amendments.

OIDO Disability Access Coordinator (ODAC): The ODAC shall provide programmatic oversight and recommendations. The ODAC shall serve as OIDO liaison between and CRCL, ICE, and CBP to ensure continuity of modifications on specific immigration detention cases, training collaboration, and exchange of best practices. The ODAC shall also work collaboratively with Divisional Disability Access Coordinators (DDACs) and Contracting Officer Representatives (CORs) to ensure OIDO staff comply with disability policy, procedure, guidance, training requirements, and data collection. Finally, the ODAC shall consult and coordinate with the DHS Customer Experience Directorate, Accessibility & Language Services and/or CRCL's Equal Employment Opportunity (EEO) and Diversity Office as needed to obtain reasonable modifications for OIDO-hosted meetings and ensure electronic communications intended for the public are accessible to individuals with disabilities.

OIDO Divisional Disability Access Coordinator (DDAC): Each OIDO division shall designate a minimum of one Divisional Disability Access Coordinator (DDAC). The DDAC shall work in coordination with the ODAC to promote compliance with OIDO's disability policies and procedures, training requirements, and data collection.

OIDO Contracting Officer Representative(s) (COR): OIDO COR(s) shall work in coordination with the Deputy Ombudsman, ODAC, and DDACs and ensure all OIDO contracts include the appropriate disability access and compliance language for contractors to

understand their obligations under the law. Additionally CORs shall ensure contractor staff are made aware of, and comply with, OIDO's Plan, related policies and procedures, and data collection efforts. Finally, CORs shall address any instances of contractor noncompliance.

B. OIDO Overview

OIDO focuses on preserving the rights of detained people and ensuring immigration detention is safe and humane by addressing staff or contractor misconduct; violations of law, detention standards, contract terms, or policy related to immigration detention; and uses of excessive force. As an ombuds office, OIDO adheres to principles of confidentiality, independence, and neutrality, and conducts its operations through direct case management for detained individuals, inspections and audits of detention facilities and contracts, observation reporting to senior DHS staff, and recommendations for changes to standards, policies, and practices.

C. Program Interactions

Upon the initiation of the Self-Evaluation, the OIDO DAC requested from applicable supervisors a list of public engagement activities for which they are responsible. These activities include:

- Ombudsman Case Assistance Form, DHS-405 (print and online form)
- OIDO complaint process
- OIDO Newsletter
- Communication with the public through stakeholder meetings (in person and online)
- Social media (Twitter/X)
- Annual Report
- Outreach materials (posters, flyers, brochures)
- OIDO website
 - Memoranda and Guidance
 - Plans
 - Recommendations
 - Inspection Reports
- Use of experts – interviews in person, video, telephone
- Onsite inspection visits
- Meetings and communications between case managers and members of the public (detainees, attorneys, friends, family)
- In-person meetings, conference, roundtables at non-federal facilities such as hotels and other public meeting spaces

- OIDO office spaces in Patriots Plaza II – architectural design: automatic doors, ramps, elevators, Braille signs

D. Addressing Existing Policy Gaps and Barriers

DHS Directive 065-01 established a policy that affirms the Department’s commitment to the nondiscrimination obligations of Section 504, which applies to all OIDO-conducted programs and activities:

1. It is the policy of OIDO to ensure nondiscrimination based on disability in its conducted programs and activities, and for OIDO to provide equal opportunity for qualified individuals with disabilities served or encountered in its conducted programs and activities, through:
 - a. Program accessibility which includes providing equal opportunity to access programs, services, and activities, as well as delivering these in the most integrated setting appropriate to the individual’s needs;
 - b. Physical access which includes providing accessible new construction and alterations in accordance with the Architectural Barriers Act of 1968 (as amended) and the Department’s Section 504 regulation (6 C.F.R. Part 15); and
 - c. Effective communication which includes providing auxiliary aids and services for persons who are deaf or hard of hearing or are blind or have low vision, and by modifying practices and materials as needed to ensure effective communication with persons with intellectual or developmental disabilities, unless such modifications would impose an undue burden on OIDO.
2. It is the policy of OIDO to provide any necessary modifications to afford a qualified individual with a disability full enjoyment of a program or activity, unless modifications of policies, practices, and procedures would fundamentally alter the nature of the program, service, or activity, or result in undue financial and administrative burdens to OIDO.
3. It is the policy of OIDO to engage in an interactive and individualized process to identify reasonable modifications. In ensuring effective communication with individuals with disabilities, it is the policy of OIDO to give primary consideration to the auxiliary aid requested by the individual with the disability.

For more information about the nondiscrimination obligations of Section 504 and about DHS Directive 065-01, please visit <https://www.dhs.gov/disability-access-department-homeland-security#content>.

E. Program Accessibility

Listed below are OIDO's methods, including removal of structural barriers, to improve access to programs and activities for individuals with disabilities in the most integrated setting appropriate.

1. Establish and provide periodic disability awareness and 504 compliance trainings for all OIDO staff, which shall be coordinated with CRCL, ICE, and CBP.
2. Improve access to OIDO-sponsored training by: a) enabling individuals with disabilities to self-identify and request modifications in advance of the training and consistent with the format of the training; b) establishing a process for reviewing and addressing modification requests timely;
3. Improvement in verifying the accessibility of off-site meeting venues where OIDO staff are speaking or co-hosting meetings;
4. OIDO posts all public OIDO products to our external website. As such, OIDO shall coordinate with the document owner and the DHS Customer Experience Directorate, Accessibility & Language Services Division to run the appropriate checks to ensure compliance with Section 508 of the Rehabilitation Act and accessible prior to posting. If documents are not 508 compliant, the ODAC shall work with the OIDO document owner to ensure accessibility compliance; and,
5. OIDO will improve accessibility to its internet websites by staying abreast of Customer Experience Directorate, Accessibility & Language Services Division requirements related to Section 508 of the Rehabilitation Act and ensure the adequacy of OIDO's inclusion of a statement noting that alternate formats [such as .pdf documents in text-based format (e.g., MS Word), large print, or braille] of the posted materials are available upon request, along with phone and email contact information for making such a request.
6. OIDO (especially staff with a persistent presence in detention facilities) will have and maintain awareness of the interpretation and application of ICE's and CBP's disability access policies and standards, to include but not limited to:
 - a. **2019 National Detention Standards for Non-Dedicated Facilities (2019 NDS):** Section 4.7 addresses Disability Identification, Assessment, and Accommodation and includes a Model Policy: Disability Identification, Assessment, and Accommodation.

- b. **2011 Performance-Based National Detention Standards (2011 PBNDS) (revised December 2016):** The revised standards include a new Standard 4.8 entitled, “Disability Identification, Assessment, and Accommodation,” which requires facilities to prohibit discrimination on the basis of disability by following required procedures and ensures detainees with disabilities have equal access to all programs and services in the facility. This includes the provision of modifications and/or auxiliary aids and services.
 - c. **Family Residential Standards (FRS):** The current version of the Family Residential Standards (FRS) addresses accessibility for residents with disabilities. ICE ERO is currently revising the FRS and plans to strengthen and improve this aspect of the FRS.
 - d. **ICE Directive 11071.1 (December 2016):** Assessment and Accommodations for Detainees with Disabilities. This Directive establishes policy and procedure to oversee and communicate with detention facilities on the identification, assessment, and accommodation of detainees with disabilities.
 - e. **ICE Directive 014005.1 (May 2006):** ICE Occupant Emergency Plan (OEP). This policy ensures that all ICE personnel and visitors exceeding one calendar day in an ICE facility, including individuals with disabilities, are familiar with the emergency evacuation procedures and locations of designated assembly areas.
 - f. **National Standards on Transport, Escort, Detention, and Search (TEDS):** Section 1.7, Reasonable Accommodation and Language Access states that reasonable accommodations must be made for a detainee’s known or reported mental, physical and/or other special needs consistent with safety and security requirements. Additional sections include 4.10 (Medical), 4.2 (At-Risk Determinations), 5.1 (At-Risk Populations), and 6.0 (Sexual Abuse Victimization).
 - g. **CBP Directive No. 2130-033 - Nondiscrimination for Individuals with Disabilities in CBP-Conducted Services, Programs, and Activities (Non-Employment):** This Directive defines the roles and responsibilities of CBP offices and personnel under Section 504, for ensuring nondiscrimination in CBP-conducted services, programs, and activities for members of the public with disabilities.
- 7. Coordinating with management and event coordinators at hotels, conference facilities, event halls, and other venues in which OIDO hosts a meeting, presents, exhibits, or has a table.
 - 8. Coordinating with building management officials concerning consistency and improvements in accessibility to the building in which OIDO offices are leased, such as wheelchair accessible ramps, automatic door openers at entrances to the building, office,

and restrooms, and consistent and thorough Braille signs at all office doors, elevators and elevator buttons, and restrooms.

9. Other methods as identified.

F. Interaction Procedures/Protocols

Listed below is OIDO’s process for modifying existing or developing new policy, procedures, or protocols to improve access for individuals with disabilities encountered or served by OIDO will:

1. Develop new, comprehensive guidance titled *Disability Access Policy for Conducted Programs and Activities*, which will describe protocols for ensuring equal access for individuals with disabilities and a supporting SOP to the above policy titled *Reasonable Modification SOP for Conducted Programs and Activities*;
2. Adapt and adopt CRCL’s *Guide for Interacting with People Who Have Disabilities*;
3. Adapt and adopt CRCL’s *Guide to Conducting Accessible Meetings*;
4. Direct OIDO staff to the DHS Disability Access web page for resources to assist with their meeting/planning efforts;
5. Conduct annual training in coordination with CRCL, ICE and CBP for all OIDO staff to ensure compliance with DHS Directive 065-01 and Section 504 and offer additional and supplemental disability awareness trainings as needed;
6. Produce and disseminate job aids to assist OIDO employees to engage in effective communication and to provide reasonable modifications to qualified individuals with disabilities encountered in OIDO-conducted programs and activities;
7. Develop and disseminate guidance/training on the reasonable modification process for contract staff who may engage with or encounter individuals with disabilities in the course of carrying out their duties; and,
8. Develop an internal disability coordinator working group to disseminate disability-related information from the Department and explore disability-related matters that arise in OIDO’s operational areas. This working group may deploy surveys as needed to capture data to inform OIDO’s leadership about disability access. The internal working group chair shall coordinate routinely with the DHS Disability Access Working Group.

G. Reasonable Modification Policies/Procedures

Listed below is OIDO’s plan for modifying existing or developing new policies and procedures for providing reasonable modifications to qualified individuals with disabilities.

1. Development of a *Reasonable Modification SOP for Conducted Programs and Activities*, which will outline the steps to take upon receipt of requests for reasonable modifications from individuals with disabilities. This new SOP will include:
 - a. An introduction and overview of OIDO’s obligation under Section 504 to ensure equal access to public-facing programs and activities for individuals with disabilities;
 - b. Information on the interactive process and how it relates to the provision of reasonable modifications;
 - c. A description of the process to be followed when a request for a reasonable modification is received;
 - d. Identification of key staff who will assist in obtaining a reasonable modification;
 - e. A method of tracking all requests for reasonable modifications received and how each request was handled; and,
 - f. Directions on where and how to report allegations of disability discrimination.

H. Auxiliary Aids and Services Policies/Procedures

Listed below is OIDO’s plan for modifying existing policies and procedures to furnish auxiliary aids and services as described to ensure effective communication for qualified individuals with disabilities.

1. OIDO will adopt and adapt *CRCL’s Guide to Conducting Accessible Meetings* to provide guidance to staff on the requirements to conduct accessible meetings. The guidance will:
 - a. List and describe various types of auxiliary aids and services and how to acquire them for meetings;
 - b. Contain specific steps to obtain each of these aids and services; and
 - c. List points of contact within the office who may be of assistance in obtaining these aids and services.
2. OIDO will obtain, modify, or share a contract for providing sign language and Certified Deaf Interpretation and other interpretation services.
 - a. FAQ on how to use these interpretation services will be provided.

I. Dissemination of Policies and Procedures

Listed below is OIDO’s plan to make resources related to Directive 065-01 more readily available to OIDO staff who interact with or provide information to the public in conducted programs and activities:

1. Upon completion and approval of the OIDO Disability Access Plan for Conducted Programs and Activities (DAP), OIDO will disseminate these materials to OIDO staff electronically. These are:
 - a. Directive 065-01 and Instruction 065-01-001;
 - b. OIDO's *Disability Access Plan for Conducted Programs and Activities (DAP)*;
 - c. OIDO's *Disability Access Policy and SOP for Conducted Programs and Activities* (this will include: OIDO procedures for processing complaints from individuals alleging discrimination on the basis of disability, consistent with the DHS Section 504 regulation (6 C.F.R. Part 15);
 - d. OIDO's adoption of CRCL's *Guide for Interacting with People Who Have Disabilities*;
 - e. OIDO's adoption of CRCL's *Guidance for Conducting Accessible Meetings*; and,
 - f. The link to CRCL-hosted DHS Disability Access web site.

2. OIDO will provide training to OIDO staff as noted in the section below.

J. Training

OIDO will take the following steps to provide training to managerial and program staff on disability access responsibilities:

1. OIDO, with assistance from OIDO-external entities as needed, will provide training to OIDO staff using the methods described below:
 - a. OIDO will provide training and/or orientation on Section 504 obligations related to program, physical, and communication access.
 - b. OIDO will work in coordination with DHS CRCL and other OIDO-external entities as needed to provide training on a recurring basis and distribute tools and job aids. This training will also include awareness on the use of auxiliary aids and services.

K. Notification to the Public

OIDO will take the following steps to provide and/or improve how it provides notice to members of the public of their rights under Section 504 and how to file a complaint under Section 504:

1. Develop a "Know Your Disability Rights" fact sheet that will be posted on the OIDO website so that individuals with disabilities who interact with OIDO will have knowledge

of what they can expect from OIDO to have a successful interaction, and how to request a reasonable modification, and how to file a Section 504 complaint.

2. Post on the “Know Your Disability Rights” fact sheet OIDO website and make available in hard copy, and in alternative formats including OIDO’s frequently encountered languages, appropriate summary materials related to the OIDO DAP.

Additional Planned Activities:

1. Conduct outreach to stakeholder organizations in the disability community to publicize the public’s rights under Section 504 and how they may request reasonable modifications to participate in and benefit from OIDO-conducted programs and activities.
2. Conduct “Know Your Disability Rights” conversations between case managers and detainees in facilities.

L. Resources

OIDO is committed to providing the resources necessary to ensure compliance with Section 504 and implementation of this Plan with respect to those individuals with disabilities OIDO encounters and serves. OIDO is working to create resources for members of the public regarding reasonable modifications and auxiliary aids and services. As noted above, it is the policy of OIDO to provide any necessary modifications to afford a qualified individual with a disability full enjoyment of the program or activity, unless modifications of policies, practices, and procedures would fundamentally alter the nature of the program, service, or activity, or result in undue financial and administrative burdens to OIDO.

M. Implementation Steps

1. OIDO intends to carry out the action steps contained in Sections E-L above within the implementation period of six months following publication of this DAP. In addition, OIDO shall take several immediate actions to improve access to OIDO programs and activities while also beginning work under its Component Plan. These actions include, but are not limited to:
 - a. Initiate the process of drafting a *OIDO Disability Access Policy and SOP*. To include:
 - i. Develop method of receiving requests for modification (e.g., via email or webform);
 - ii. Develop a standardized “tag line” for requesting reasonable modifications to be used across OIDO when issuing invitations to meetings and events that include members of the public; and,

- iii. Develop rapport with ICE and CBP disability DACs at the headquarters and local levels.
- b. Customize CRCL's *Guidance to Conducting Accessible Meetings* for OIDO use. The guidance will provide instructions and tips for staff on ensuring that all meetings and events conducted by OIDO are accessible to members of the public with disabilities;
- c. Customize CRCL's *Guide for Interacting with People Who Have Disabilities*;
- d. Initiate planning for training of OIDO staff on conducting accessible meetings online and in-person;
- e. Upon completion and approval of the *OIDO Disability Access Policy* and *SOP*, the following policies, procedures, and guidance will be provided to OIDO staff electronically and in hard copy, as needed:
 - i. OIDO's Plan for Improving Access to Conducted Programs and Activities for Individuals with Disabilities (DAP)
 - ii. *OIDO Guidance for Conducting Accessible Meetings*
 - iii. *OIDO Guide for Interacting with People Who Have Disabilities*
 - iv. *OIDO Disability Access Policy* and *SOP*
 - v. *Know your Disability Rights Fact Sheet*
- f. Training:
 - i. OIDO will conduct training on conducting accessible meetings for current and new staff.
 - ii. Training of all OIDO staff on the *OIDO Disability Access Policy* and *SOP*, to occur following senior leadership approval.
- g. Contracts:
 - i. OIDO completed discussion between the ODAC, COR, and the DHS Office of Procurement regarding Section 504 obligation language appearing in contracts as well as the expectation that all contract staff complete OIDO's Section 504 training.

Questions about this document should be directed to OIDODAC@hq.dhs.gov.