



ICE DISABILITY ACCESS PLAN

August 19, 2020



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

Message from the Director
August 19, 2020

I am pleased to present the first U.S. Immigration and Customs Enforcement (ICE) Disability Access Plan (DAP or Plan), which provides ICE employees with overarching guidance to ensure compliance with our responsibilities under the Rehabilitation Act of 1973, as amended, and Department of Homeland Security Directive 065-01, “Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment).” The Plan identifies ways to enhance access to all ICE-conducted programs and activities for individuals with disabilities.



ICE protects America from the cross-border crime and illegal immigration that threaten national security and public safety. In the execution of this mission, ICE’s programs and activities include interactions with members of the public with disabilities, such as visitors to detention centers, victims, witnesses, criminal suspects, and persons in ICE custody.

I am proud to acknowledge the excellent work of ICE employees in providing equal access for individuals with disabilities encountered in ICE-conducted programs and activities. ICE has made great strides in providing disability access and is committed to identifying ways to enhance access in the future.

Inquiries related to this Plan may be directed to the ICE Lead Disability Access Coordinator, Civil Liberties Division, Office of Diversity and Civil Rights at ICECivilLiberties@ice.dhs.gov.

This Plan, which may be modified, superseded, or rescinded at any time, is not intended to and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Albence', written in a cursive style.

Matthew T. Albence
Deputy Director and Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

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I. Introduction

U.S. Immigration and Customs Enforcement (ICE) developed the ICE Disability Access Plan (DAP) to provide an overview of ICE's policies and procedures to enhance access to, and participation in, ICE-conducted programs, activities, and services for individuals with disabilities. While fulfilling its homeland security mission, ICE implements programs that are consistent with Sections 504 and 508 of the Rehabilitation Act of 1973 (Section 504), as amended, and U.S. Department of Homeland Security (DHS) Directive 065-01: *Nondiscrimination for Individuals with Disabilities in DHS Conducted Programs and Activities (Non-Employment)* (September 25, 2013). As required by DHS Directive 065-01, ICE established lead and supporting disability access coordinators, created and conducted self-evaluations of a sampling of programs from the major ICE directorates and program offices, and analyzed the results of the self-evaluations.

II. Executive Summary

As required by DHS Directive 065-01, in Fiscal Year (FY) 2017, ICE prepared and conducted self-evaluation surveys of 59 programs, facilities, or offices within its major directorates and program offices. The results were analyzed, and the preliminary findings were reported to the DHS Office for Civil Rights and Civil Liberties (CRCL) in September 2017.

The preliminary findings were arranged by best practices and opportunities for improvement in four areas: accessibility of program policies and practices, communications, complaints, and physical accessibility. These findings revealed that ICE-conducted programs and activities are generally accessible to individuals with disabilities. The preliminary findings also indicated that the development of an ICE-wide disability access policy and procedures would be an opportunity for strengthening compliance with Section 504. ICE used the findings from the self-evaluations to lay the framework in this DAP for the development of ICE-wide policies and procedures to enhance the ability of individuals with disabilities to participate in ICE-conducted programs and activities.

To enhance accessibility in areas identified in the self-evaluation surveys, ICE plans to develop a directive and an accompanying handbook to serve as the ICE-wide policy for how personnel shall accommodate and engage with individuals with disabilities in ICE-conducted programs and activities.

The ICE DAP describes the various forms of ICE interactions with individuals with disabilities, ICE's efforts to ensure program accessibility, and the processes for modifying policies and procedures, when necessary, to afford an individual with a disability equal access to ICE's programs and activities. Further, the ICE DAP describes the policies and procedures for providing auxiliary aids and services to individuals with disabilities participating in ICE-conducted programs or activities and the processes for disseminating policies and procedures to ICE personnel on how to engage with individuals with disabilities in ICE-conducted programs or activities. This DAP outlines the trainings that will be developed for the workforce on ICE's Sections 504 and 508 requirements and the steps that will be taken to implement this DAP.

III. ICE Disability Access Plan

A. ICE Overview

ICE protects America from the cross-border crime and illegal immigration that threaten national security and public safety. To carry out that mission, ICE focuses on smart immigration enforcement, preventing terrorism, and combating transnational criminal threats. ICE's mission includes identifying and apprehending removable aliens, detaining and removing aliens as necessary, investigating domestic and international activities involving the illegal movement of people and goods into and within the United States, and representing the U.S. Government in exclusion, deportation, and removal proceedings against aliens in immigration court. Additionally, many ICE personnel support the ICE mission through management, mission support, and conducting internal investigations and inspections. ICE comprises three operational directorates: Homeland Security Investigations (HSI), Enforcement and Removal Operations (ERO), and the Office of the Principal Legal Advisor (OPLA). A fourth directorate—Management and Administration (M&A)—supports the three operational branches to advance the ICE mission. This DAP provides an overview of how each directorate and the program offices fulfill their responsibilities regarding disability access.

Based on the number of personnel, ICE HSI is ICE's largest directorate. Its mission is to investigate, disrupt, and dismantle terrorist, transnational, and other criminal organizations that threaten to exploit America's travel, trade, financial, and immigration systems. In addition to criminal investigations, ICE HSI oversees ICE's international affairs operations and intelligence functions.

ICE ERO is the agency's second largest directorate, based on number of personnel. ICE ERO oversees programs and operations that identify and apprehend removable aliens, detain these individuals when necessary, and to remove illegal aliens from the United States. ICE ERO prioritizes the apprehension, arrest, and removal of convicted criminals, those who pose a threat to national security, fugitives, recent border entrants, and aliens who thwart immigration controls. ICE ERO manages all logistical aspects of the removal process, including domestic transportation, detention, Alternatives to Detention (ATD) programs, bond management, and supervised release. In addition, ICE ERO repatriates aliens ordered removed from the United States to more than 170 countries around the world.

ICE OPLA is the legal arm of ICE and serves as the legal representative for DHS in front of the Executive Office for Immigration Review during removal proceedings against criminal aliens, terrorists, and human rights abusers in immigration courts around the country. ICE OPLA also provides critical legal services to all ICE directorates and program offices focusing on customs, cybersecurity, worksite enforcement, immigration, detention, ethics, labor and employment law, tort claims, and administrative law. ICE M&A coordinates ICE's administrative and managerial functions to address the needs of ICE and helps guide its dynamic growth and future. ICE M&A oversees ICE's budget, expenditures, accounting and finance, procurement, human resources and personnel, workforce recruitment, policy, privacy, Freedom of Information Act requests, records

retention, information governance, information technology systems, facilities, property, and equipment needs.

The ICE Office of Professional Responsibility (OPR) is responsible for promoting public trust and confidence in ICE by ensuring organizational integrity is maintained through a multi-layered approach utilizing security, inspections, and investigations.

The ICE Office of the Director (OD) includes leadership offices, such as the ICE Office of Congressional Relations, the ICE Office of Public Affairs, and the ICE Office of Diversity and Civil Rights (ODCR). ICE ODCR safeguards the civil rights and civil liberties of ICE's stakeholders by leading efforts to create a culture of inclusion. ICE ODCR's Civil Liberties Division is responsible for providing civil liberties expertise, guidance, and technical assistance to ICE's directorates and program offices. A major part of this mission focuses on ensuring that ICE's programs and activities are accessible to individuals with disabilities by working to strengthen compliance with the applicable disability laws, including Sections 504 and 508, and the DHS's implementing regulations, policies, and instructions. ICE ODCR is responsible for overseeing the coordination, development, implementation, and monitoring of the ICE DAP.

B. Responsible Staff

A major part of ODCR's mission focuses on ensuring that ICE's conducted programs and activities are accessible to individuals with disabilities by working to strengthen compliance with applicable disability laws, including Section 504 and DHS's implementing regulations, policies, and instructions. The Assistant Director for ICE ODCR is the Senior Executive Service official responsible for overseeing the coordination, development, implementation, and monitoring of the ICE DAP. The ICE Lead Disability Access Coordinator (ICE LDAC) was appointed by ICE ODCR and is responsible for coordinating the implementation of the ICE DAP across all ICE directorates and program offices.

In addition, ICE Supporting Disability Access Coordinators (SDACs) are designated across the ICE directorates and program offices to complete self-evaluations and participate in the development and continuous implementation of the ICE DAP. ICE SDACs ensure their program offices implement their directorate or program's specific plans in order to provide equal access to individuals with disabilities. ICE established a Disability Access Working Group led by ICE ODCR, and includes the ICE LDACs and ICE SDACs, that convenes periodically to address disability access issues in the context of civil rights compliance across the program offices and directorates.

Within ICE HSI, the Domestic Operations Division is responsible for the implementation of the ICE DAP while field offices are responsible for the assessment and accommodation of individuals with disabilities who are arrested consistent with the ICE DAP.

Within ICE ERO, there are several points of contact responsible for the implementation of the ICE DAP. There are many individuals within ICE ERO Custody Management and the ICE ERO field offices responsible for the assessment and accommodation of detainees with disabilities

who will assist with the implementation of the ICE DAP.¹ The ICE ERO Disability Access Coordinator (EDAC) within Custody Management serves as the primary point of contact between ICE ERO Headquarters and the field offices regarding the accommodation of, and communication with, detainees with disabilities in ICE ERO custody. Also, each ICE ERO Field Office Director (FOD) has designated at least one supervisory-level representative from his or her field office to serve as the ICE SDAC for that area of responsibility. These individuals serve as the main point of contact at the ICE ERO field-office level to help ensure compliance with Section 504 and associated DHS, ICE, and ICE ERO regulations, detention standards, policies, and procedures related to detainees with disabilities.

Within ICE OPR, the Mission Support Unit has the authority to implement the ICE DAP for ICE OPR's program offices.

For a complete list of ICE program offices with ICE LDACs and ICE SDACs, refer to Appendix A.

C. Program Interactions

ICE HSI and ICE ERO may encounter individuals (victims, witnesses, criminals, and detainees) with disabilities throughout a number of investigative activities and law enforcement operations, custody management, and removal. Individuals with disabilities may require accommodation at any stage of their detention. Such stages include, but are not limited to, housing placement, medical and mental health care, safety and security protocols, food services, correspondence, visitation, grievance systems, transfers, detainee programming, and scheduled activities such as access to law libraries, religious services, work programs, and recreation. ICE has systems in place to evaluate and ensure access to all of its programs and activities, including mental health treatment for individuals in custody nationwide.

The program offices within the ICE OD, ICE OPR, and ICE M&A, through their conducted programs or activities, have periodic interactions with individuals with disabilities in person, or through electronic or telephonic communications. These interactions may occur through ICE-sponsored events, town hall meetings, job fairs, recruiting events, public outreach, removal proceedings, investigative activities, and information-sharing through the ICE website and social media.

D. Policy and Handbook

To build on the practices of ICE program offices and the ICE policy and detention standards discussed below, ICE ODCR plans to develop a policy and accompanying implementing procedures to provide guidance on how to engage with individuals with disabilities in ICE-conducted programs and activities. Furthermore, ICE ODCR anticipates developing supplemental training and technical assistance materials in FY 2020 on how to provide

¹ Accommodations for detainees with disabilities are covered by ICE ERO policy as well as the applicable detentions standards based on facility type.

reasonable accommodations and modifications to individuals with disabilities accessing ICE-conducted programs or activities.

ICE program offices that participated in the Self-Evaluation Survey reported that they have practices in place for providing effective communication to individuals with disabilities. Additionally, ICE ERO has also established ongoing policy and procedures for ICE ERO personnel to provide advice and guidance to detention facilities regarding the identification, assessment, and accommodation of detainees with disabilities. In addition, the 2011 Performance-Based National Detention Standards (PBNDS), revised in December 2016, include a new Standard 4.8 entitled, “Disability Identification, Assessment, and Accommodation,” which requires that facilities act affirmatively to prohibit disability discrimination. ICE ERO policy and the revised Standards provide specific requirements to ensure that detainees with disabilities are afforded equal access to ICE and ICE facility programs, activities, and services. ICE ERO oversight entities incorporate Standard 4.8 into their monitoring of detention facilities. The ICE ERO EDAC for Custody Management continually provides training and consultation to ICE ERO field offices and facilities on the implementation of ICE ERO policy and the revised Standards. The ICE Field Office SDACs assist their respective ICE FODs and other field office supervisory-level personnel in providing notifications regarding disability access and accommodations; providing notice to ICE ERO officers and facility personnel of their obligation to provide accommodations to detainees with disabilities while in ICE custody; collaborating and communicating with the ICE EDAC, the field office, and detention facility personnel to monitor the care and treatment of detainees with disabilities; and coordinating with ICE Health Service Corps (IHSC) to review requests for accommodations requiring IHSC engagement or assistance.

E. Program Accessibility

Through the ICE Self-Evaluation Survey, ICE determined program accessibility. The ICE Self-Evaluation Survey evaluated program accessibility in the following four areas: policy and practice, effective communication, complaints, and physical accessibility.

i. Accessibility Policies and Practices

Consistent with the applicable laws and regulations ensuring access for individuals with disabilities, ICE developed and implemented the following policies and detention standards:

- **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.
- **ICE Directive 004001.1 (March 2009):** *Section 508 Electronic and Information Technology Accessibility*. This policy implements Section 508 and ensures that members of the public with disabilities have access to the same electronic information

and technology used by people without disabilities. This directive is applicable to all ICE employees and contractors with disabilities.

- **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 accommodations, modifications, and/or auxiliary aids and services.
- **Family Residential Standards:** The current version of the Family Residential Standards (FRS)² addresses accessibility for residents with disabilities. ICE ERO is currently revising the FRS and plans to strengthen and improve this aspect of the FRS.

Separate and apart from these policies and detention standards, the ICE Self-Evaluation Survey found that ICE should issue an ICE-wide nondiscrimination policy applicable to all stakeholders, including individuals with disabilities, who access ICE’s programs and activities.

ICE also determined that there is an opportunity to improve the way that information is provided to the public on the process for requesting accommodations and modifications. ICE directorates and program offices will post public notification for program participants and visitors describing ICE’s obligations under Section 504. The public notification will include information on how to request an accommodation or modification and whom to contact for questions or concerns regarding Section 504 or the accessibility of online materials. Template language for the public notification is provided in Appendix B and will be disseminated to ICE directorates and program offices.

ii. Effective Communications

ICE ERO provides auxiliary aids and services necessary to allow effective communication with detainees with disabilities. The type of auxiliary aid or service necessary for effective communication varies in accordance with the method of communication preferred by the individual detainee; the nature, length, and complexity of the communication involved; and the context in which communication occurs. ICE ERO personnel and detention facilities give primary consideration to the request of the detainee with the disability, consistent with federal laws, 2011 PBNDS, Standard 4.8, and ICE ERO policy. To determine a detainee’s need for auxiliary aids and services, ICE ERO and/or the detention facility engage in an individualized, interactive process with the detainee. ICE ERO Custody Management has expanded the availability of

² <https://www.ice.gov/detention-standards/family-residential>

auxiliary aids and services for effective communication with detainees, including sign language interpretation services, sound amplification devices, and the availability of Braille translation, as needed.

ICE ERO maintains a contract allowing for nationwide availability of sign language interpretation services. These services include American Sign Language and Certified Deaf Interpretation to accommodate a range of sign languages. The contracted sign language interpretation services include Video Remote Interpretation and in-person services. ICE ERO also maintains contract services for Braille translation when needed, and IHSC will facilitate the provision of sound amplifiers to assist individuals with hearing disabilities. In addition, hearing aids may be provided after an audiology evaluation.

As detainees with visual disabilities are identified through the mandatory notification process, ICE ERO Custody Management works with field offices to ensure detainees have access to all facility programs and services, including, among others, facility law libraries. ICE ERO and contract facilities are working to increase the number of methods available to facilities to ensure access to law library materials, including for detainees with visual disabilities. Such methods currently include screen-reading software and/or assistance from staff. The use of other detainees to interpret or facilitate communication with a detainee with a disability may only occur in emergencies.

The modification of policies and procedures and the furnishing of auxiliary aids and services for individuals with disabilities is ongoing. ICE ERO Custody Management, including the ICE EDAC and ICE Field Office SDACs, is continually examining and developing new capacities in cooperation with facilities and ICE ERO to provide auxiliary aids and services. ICE ERO Custody Management works with ICE ERO field offices on an individual basis to assess a facility's ability to accommodate detainees with a hearing disability. Examples include providing continuing education and training on Section 504 requirements to field offices and adding tablet technology with Video Relay Remote Services at an increasing number of facilities.

ERO programs for individuals on the non-detained docket and other members of the public, such as ATD or Bond Management, will work to ensure they provide effective communication consistent with the overarching ICE policies and procedures to be developed as part of the ICE DAP.

iii. Complaints

ICE is committed to complying with Section 504 of the Rehabilitation Act by providing equal opportunity and access for individuals with disabilities in ICE-conducted programs, services, and activities. This compliance consists of providing reasonable accommodations, auxiliary aids and services, and/or modifications to policies or procedures, as appropriate. However, if an individual believes he or she has been denied access, a Section 504 complaint can be directly filed with DHS CRCL. Details for filing

a complaint can be found on the public template in Appendix B. Additionally, individuals may submit a complaint to any ICE employee who will refer the complaint to DHS CRCL. Information on how to contact ICE is included in the public template in Appendix B.

All ICE ERO detention facilities are required to notify detainees of their right to request an accommodation for a disability, how to request accommodations and modifications, and how to file a complaint. The ICE ERO Detention Reporting and Information Line poster contains this information and must be posted in all ICE detention facilities. The 2011 PBNDS also requires that facility orientation programs and handbooks inform detainees of their right to request accommodations and how to make such a request.

iv. Physical Accessibility

The Architectural Barriers Act of 1968, along with Section 504 of the Rehabilitation Act of 1973, requires that buildings and facilities designed, constructed, or altered with federal funds, or leased by, or on behalf of a federal agency, comply with federal standards for physical accessibility. There is an ongoing requirement for ICE facilities to ensure that individuals with disabilities can physically access ICE-conducted programs, services, and activities. For example, this includes ensuring that individuals with disabilities can access public restrooms and other public spaces at ICE Headquarters and field office buildings.

In addition, ICE detention facilities are required to house detainees with disabilities in a physically accessible space that affords them safe, appropriate living conditions in the least restrictive and most integrated setting appropriate to their needs. Responsible parties include facility security and medical staff, IHSC (e.g., identification, notification, assessment, and service provision), the ICE Field Office SDACs (e.g., in coordinating compliance, notifying Headquarters, reviewing requests, and providing accommodations), and ICE ERO Headquarters personnel, including the ICE EDAC for Custody Management.

F. Interaction Procedures/Protocols

ICE ODCR plans to develop an appropriate ICE-wide policy or procedure requiring its staff or contractors to follow an individualized interactive process to determine which accommodations or modifications would provide individuals with disabilities equal access to ICE-conducted programs, services, and activities.

ICE ERO requires detention facilities to follow an individualized interactive process to determine which procedures or protocols must be modified to provide detainees with equal access to their programs and activities. Per ICE ERO policy and the revised 2011 PBNDS, the ICE EDAC for Custody Management also provides ongoing consultation and training on the interactive process to ICE ERO field offices overseeing facility compliance.

Under its compliance mission, ICE ODCR will monitor the actions identified by the ICE DAP and will continue to monitor its progress until all compliance actions in the plan are complete.

G. Reasonable Accommodation Policies/Procedures

During the ICE Self-Evaluation Survey, many ICE program offices reported that they have practices in place to ensure an accommodation is provided in non-custodial settings in accordance with Section 504, such as providing sign language interpretation and visual aids. With an estimated completion in FY 2021, the ICE-wide policy and its implementing procedures will provide staff with a uniform process for providing reasonable accommodations and modifications, including procedures for how to engage with individuals with disabilities in an interactive process to understand their needs and accommodation requests.

ICE ERO programs that may have periodic interactions with individuals with disabilities outside of the custodial setting will work to provide accommodations and modifications consistent with the overarching ICE policies and procedures to be developed as part of the ICE DAP.

Within ICE ERO custodial settings, per ICE ERO policy and Standard 4.8 of the revised 2011 PBNDS, accommodations for detainees with disabilities include, among other things, any reasonable change or adjustment in detention facility operations or any modifications to facility policy, practice, or procedure consistent with the safety, security, and order that permits a detainee with a disability to participate in the facility's programs, services, activities, or requirements, or to enjoy the benefits and privileges of detention programs equally to those enjoyed by detainees without disabilities. Accommodations may also include auxiliary aids and services that allow for effective communication by affording detainees with impaired sensory, manual, or speaking skills an equal opportunity to participate in, and enjoy the benefits of, programs and activities. ICE ERO and facility staff are required to engage in an individualized, interactive process with a detainee with a disability who is requesting an accommodation to address the disability-related request, the process for determining whether an accommodation can be provided and through which the detention facility determines whether the request is granted, and the identification of effective alternative accommodations. Responsible parties include facility staff, IHSC, and ICE SDACs at the field office level. The ICE EDAC for Custody Management also provides ongoing consultation and training on the interactive process.

H. Auxiliary Aids Policies/Procedures

Please refer to Section E. ii, "Effective Communications," of this plan for ICE ERO's processes to provide auxiliary aids and services for detainees with disabilities.

ICE ODCR will develop appropriate technical assistance and/or training materials for ICE directorates and program offices to use in providing auxiliary aids and services to individuals with disabilities seeking access to ICE-conducted programs or activities.

I. Dissemination of Policies and Procedures

ICE ODCR developed a Disability Access Resource Page to assist employees with information and tools for providing disability access. Included in the Resources section are policy documents, including DHS Directive 065-01, DHS Instruction 065-01-001, the DHS publication “A Guide for Interacting with People Who Have Disabilities,” and the ICE document “Roles and Responsibilities for Lead Disability Access Coordinators and Supporting Disability Access Coordinators.” ICE ODCR also added links to the DHS Disability Access and ICE ERO Disability Accommodation Resource Center websites on its Disability Access Resource Page. ICE ODCR will periodically update this internal webpage with relevant policies and resources for all ICE personnel’s reference.

ICE ERO Custody Management maintains a “Disability Accommodations Resource Center” webpage for all ICE ERO personnel who interact with or provide information to detainees with disabilities. The ICE ERO Resource Center includes copies of the aforementioned documents as well as ICE ERO-specific documents available for employee use. The ICE ERO Resource Center also includes the DHS publication, “A Guide for Interacting with People Who Have Disabilities.” Training materials include links to DHS regulations and other government websites with disability-related information. The ICE ERO Resource Center also provides contacts for assistance.

J. Training

The ICE Self-Evaluation Survey suggests providing additional trainings across the ICE workforce to enhance interactions with individuals with disabilities. Currently, ICE has two required online trainings in place to inform employees of disability access requirements in the workplace. ICE ERO has a training module regarding provision of effective communication entitled “Effective Communications with Persons who are Deaf, Hard-of-Hearing or Deaf-Blind.” Additionally, ICE ODCR has committed to developing a supplemental training in FY 2021 to specifically address ICE’s obligations under Section 504 to individuals with disabilities accessing ICE-conducted programs and activities. This future training will provide technical assistance materials for ICE personnel on how to provide reasonable accommodations, auxiliary aids and services, and/or modifications as well as tips on how to interact with individuals with disabilities. On an as-needed basis, ICE OPLA Headquarters staff provides disability-related training and guidance to attorneys at its field offices.

The ICE EDAC for Custody Management and other Custody Management personnel conduct site visits, provide training and consultation to ICE oversight entities, and facilitate targeted conference calls on disability accommodation with ICE SDACs to continually expand the knowledge of ICE ERO personnel and facilities about ICE’s Section 504 obligations. For example, in 2017, all ICE SDACs in every ICE ERO field office received training on effective communication with individuals with hearing disabilities. ICE ERO Custody Management also provides annual training to existing and newly appointed ICE SDACs. Several ICE ERO leadership trainings and ICE ERO field broadcasts have informed the field about the role of and contact information for the ICE EDAC. In addition, ICE ERO manages a group email address

list with every current ICE Field Office SDAC. This contact information is updated continually as ICE SDAC assignments change.

Furthermore, in its efforts to address mental disabilities and mental health needs in detention facilities, ICE ERO Custody Management, in collaboration with IHSC and DHS CRCL, developed ICE ERO Officer training on suicide prevention for individuals in ICE custody. The training was piloted in FY 2018 and is available upon request.

K. Notification to the Public

Most ICE program offices that participated in the ICE Self-Evaluation Survey wish to enhance their processes for notifying individuals with disabilities of their rights under Section 504, including how to request an accommodation, auxiliary aid or service, or modification, and how to file a complaint under Section 504. To address this gap, ICE plans to develop an appropriate policy along with implementing procedures. The policy will require Section 504 notices to be posted, at a minimum, in English and Spanish on ICE's public-facing websites and to be prominently displayed in all ICE buildings and facilities accessible to public. The notices will explain individual rights under Section 504; how to request accommodations, modifications, and auxiliary aids and services; and how to file a Section 504 complaint. ICE ODCR will also create a Disability Access page on its website,³ which will provide information to the public about ICE's processes and procedures.

L. Resources

ICE ODCR will assist ICE directorates and program offices, as requested, with identifying resources, aids, and services to facilitate access to ICE-conducted programs and activities for individuals with disabilities. ICE ODCR administers an ICE-wide teletypewriter/federal caption relay/video recording service line with Sprint for individuals who have hearing or speech disabilities to ensure effective communication with ICE personnel. ICE program offices also have access to sign language interpreters upon request. If there is a request for larger print materials or other auxiliary aids or services not readily available, the program office for which the request is being made is encouraged to work with the ICE LDAC within ICE ODCR to fulfill the accommodation. ICE ODCR has made available the disability resources mentioned in this plan on its Disability Access Resource Page on the internal webpage and will continue to update the list. At this time, each ICE program office is responsible for funding any accommodation that is requested and provided for an external stakeholder accessing its programs or activities.

Due to its ongoing provision of reasonable accommodations to detainees with disabilities, ICE ERO has requested additional funding to address individual and systemic need. For example, IHSC provides additional staff resources to assist a detainee with a mobility disability or for a sound amplification device for a detainee with a hearing disability. ICE ERO identified new contract services needed to assist personnel in communicating with individuals who are deaf, and Custody Management requested and received new contract funds for sign language interpretation services. ICE ERO will continually assess and request needed resources to

³ www.ice.gov

accommodate individuals with disabilities as they are proactively identified through communication with field offices, medical personnel, and detainees themselves through the interactive process.

M. Implementation Steps

ICE ODCR will oversee the implementation of the ICE DAP throughout the agency, which will continue to comply with federal and DHS requirements, including timelines for compliance reporting.

The Milestones Implementation Plan in Appendix C references ICE's implementation plan for FY 2020. ICE ODCR will periodically monitor the progress of the milestones and implementation time frames.

IV. Appendices

Appendix A: List of ICE Program Office LDACs and SDACs

Appendix B: Draft Public Notice Template

Appendix C: Milestones Implementation Plan Table

Appendix A

U.S. Immigration and Customs Enforcement Directorate and Program Offices with Lead Disability Access Coordinators (LDACs) and Supporting Disability Access Coordinators (SDACs)

Directorate	LDAC	SDAC
Office of the Director (OD)		
Office of Diversity and Civil Rights (ODCR)	x	
Office of Public Affairs (OPA)		x
Enforcement and Removal Operations (ERO)		
ERO/Custody Management	x	
ERO/Removal		x
ERO/Enforcement		x
ERO/Field Operations		x
ERO/ICE Health Service Corps	x	
ERO/Criminal Alien Program		x
ERO/National Fugitive Operations Program		x
Homeland Security Investigations (HSI)		
Field Offices	x	x
Domestic Operations		x
National Security Investigations Division		x
Victim Assistance Program		x
Management and Administration (M&A)		
M&A Chief of Staff		x
Office of Professional Responsibility (OPR)		
OPR	x	

Appendix B

U.S. Immigration and Customs Enforcement [insert program office] Notification of ICE's Commitment to Equal Access for Individuals with Disabilities to Programs, Activities, and Services

EQUAL ACCESS POLICY

U.S. Immigration and Customs Enforcement (ICE) [insert program office name] is committed to providing individuals with disabilities the equal opportunity to access, participate in, and benefit from its programs, services, and activities, including those carried out by contracted or licensed providers, through the provision of reasonable accommodations, auxiliary aids and services, and/or modifications, as appropriate. Auxiliary aids and services are available as needed for persons with disabilities to ensure effective communication and equal access to ICE's programs and activities in compliance with Section 504 of the Rehabilitation Act of 1973, as amended ("Section 504"), and the Department of Homeland Security's (DHS) implementing regulation, 6 C.F.R. Part 15. ICE is also committed to making Electronic and Information Technology available to the public and accessible to individuals with disabilities in compliance with the requirements of Section 508 of the Rehabilitation Act of 1973, as amended.

REQUESTS

To request an accommodation, modification, auxiliary aid, or service in order to accommodate access to ICE-conducted programs, services, or activities, please contact [insert program office's point of contact].

COMPLAINTS

If an individual with a disability believes he or she has been denied equal access to ICE programs or activities, the individual may file a complaint alleging a violation of Section 504. Individuals with disabilities who wish to file a Section 504 or Section 508 complaint may submit their concerns to the DHS Office for Civil Rights and Civil Liberties (see <https://www.dhs.gov/how-do-i/file-civil-rights-complaint>). Individuals may also write directly to ICE by emailing ICE.Civil.Liberties@ice.dhs.gov, and ICE will refer the complaint to DHS.

ADDITIONAL INFORMATION/QUESTIONS

Additional information about ICE's commitment to ensuring equal access to its programs, services, and activities for individuals with disabilities is available on the ICE website at: <https://www.ice.gov/leadership/dcr>

For questions or concerns about equal access for individuals with disabilities, please contact the ICE Office of Diversity and Civil Rights by email at ICE.Civil.Liberties@ice.dhs.gov, by phone at (202) 732-0111, by Fax at (202) 732-0104, or by TTY at (202) 732-0097.

For questions or concerns related to the accessibility of materials on the ICE website, please contact the ICE Section 508 Coordinator at ICE-SECTION508@ice.dhs.gov or by phone at (202) 732-7434.

APPENDIX C

U.S. Immigration and Customs Enforcement (ICE) Disability Access Plan (DAP) Milestones

DAP Section	Element	Deliverable	Program Office Responsible For Implementing	Status
C	Program Interactions	1. Development of mental health programming unit at large ICE Enforcement and Removal (ERO) facility	ICE ERO/Custody Management and ICE Health Service Corps (IHSC)	Complied Fiscal Year (FY) 2019/Quarter 2
D	Policy	1. Create Standard 4.8 of 2011 Performance-Based National Detention Standards (PBNDS)	ICE ERO	FY 2017/Quarter 1
		2. Draft Directive on Nondiscrimination for Individuals with Disabilities in ICE-Conducted Programs and Activities (Non-Employment)	ICE Office of Diversity and Civil Rights (ODCR)/ Civil Liberties Division (CLD)	To complete by September 2020
		3. ICE ERO Disability Access Coordinator (EDAC) for Custody Management provides training and consultation to ICE ERO field offices on implementation of ICE ERO Directive and revised PBNDS	ICE ERO/Custody Management	Compliance is ongoing
		4. ICE Field Office Supporting Disability Access Coordinators (SDACs) provide notification regarding disability identification, access, and accommodations to EDAC	ICE ERO/Custody Management	Compliance is ongoing
		5. ICE Field Office SDACs collaborate and communicate with EDAC, field offices, and detention facility personnel to monitor care and treatment of detainees with disabilities	ICE ERO/Custody Management and Field Operations	Compliance is ongoing
		6. ICE Field Office SDACs coordinate with IHSC to review requests for accommodations	ICE ERO/Custody Management and Field Operations	Compliance is ongoing
E	Program Accessibility	1. ICE Directive No. 5-3.0, <i>ICE Occupant Emergency Plan (OEP)</i>	ICE	Complied FY 2006/Quarter 3
		2. ICE Directive No. 8-7.0, <i>Section 508 Electronic and Information Technology Accessibility</i>	ICE	Complied FY 2009/Quarter 2
		3. Develop training and technical assistance materials to explain how to provide reasonable accommodations and modifications in integrated settings	ICE ODCR/CLD	To complete by September 2020
		4. Post public notice of ICE's processes for requesting and providing reasonable accommodations to include points of contact for	ICE ODCR/CLD	To complete by September 2020

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U.S. Immigration and Customs Enforcement (ICE) Disability Access Plan (DAP) Milestones

DAP Section	Element	Deliverable	Program Office Responsible For Implementing	Status
		questions/concerns regarding Section 504		
		5. Examine ICE ERO and detention facilities' capacities to provide auxiliary aids and services to detainees with disabilities	ICE ERO/Custody Management	Compliance is ongoing
		6. Examine ICE ERO's process for notifying detainees of their right to request an accommodation for a disability, how to request accommodations, and how to file a complaint	ICE ERO/Custody Management	Compliance is ongoing
		7. Ensure that the ICE ERO Detention Reporting and Information Line (DRIL) poster is posted in all facilities and contains required notification information	ICE ERO/Custody Management	Compliance is ongoing
		8. Ensure that the ICE ERO National Detainee Handbook contains information for detainees about their right to equal access to programs and activities and their right to receive auxiliary aids and services to ensure effective communication	ICE ERO/Custody Management	Compliance is ongoing
		9. Ensure facility orientation programs and handbooks inform detainees of their right to request accommodations and how to make such a request	ICE ERO/Custody Management	Compliance is ongoing
		10. Ensure that facilities are providing detainees with disabilities access to the facilities' programs and activities in the least restrictive and most integrated setting appropriate	ICE ERO/Custody Management and Field Operations	Compliance is ongoing
F	Interaction Procedures/ Protocols	1. Ensure that detainees with disabilities are provided with an individualized and interactive process to determine their accommodation needs	ICE ERO/Custody Management & IHSC	Compliance is ongoing
		2. Conduct internal compliance reviews of the ICE Disability Access Plan	ICE ODCR/CLD	FY 2019–drafted the plan; reviews will occur in FY 2020
G	Reasonable Accommodation Policies/ Procedures	1. ICE ERO Custody Management to provide consultation and training on the interactive process to ICE ERO personnel	ICE ERO/Custody Management	Compliance is ongoing

APPENDIX C

**U.S. Immigration and Customs Enforcement (ICE) Disability Access Plan (DAP)
Milestones**

U.S. Immigration and Customs Enforcement (ICE) Disability Access Plan (DAP) Milestones				
DAP Section	Element	Deliverable	Program Office Responsible For Implementing	Status
		2. ICE ERO personnel and facility staff to evaluate when a facility feature or procedure requires modification	ICE ERO Custody Management	Compliance is ongoing
		3. Establish a uniform ICE-wide procedure for providing accommodations, including procedures for how to engage with external stakeholders in an interactive process	ICE ODCR/CLD	To complete by September 2020
H	Auxiliary Aids, Policies, Directives, or Procedures	1. Develop training and technical assistance aids for ICE program offices to use in providing auxiliary aids and services to external stakeholders with disabilities	ICE ODCR/CLD	To complete by September 2020
		2. Develop training and technical assistance aids for ICE field offices and facilities to use in providing auxiliary aids and services to detainees with disabilities	ICE ERO Custody Management	Compliance is ongoing
I	Dissemination of Policies and Procedures	1. Update the Disability Access Resource internal webpage on the ICE InSight page to ensure that all posted materials are up to date	ICE ODCR/CLD	Compliance is ongoing
		2. Update and maintain the ICE ERO “Disability Accommodations Resource Center” internal webpage	ICE ERO Custody Management	Compliance is ongoing
J	Training	1. Develop training and technical assistance materials to address ICE’s obligations under Section 504 and on the procedures for providing reasonable accommodations or modifications	ICE ODCR/CLD	To complete by September 2020
		2. Provide training and consultation to ICE oversight entities and facilitate targeted conference calls on disability accommodation with ICE ERO SDACs to continually expand the knowledge of ICE ERO personnel	ICE ERO Custody Management	Compliance is ongoing
		3. Annual disability access training to ICE ERO SDACs to ensure continuity of knowledge at the field-office level	ICE ERO Custody Management	Compliance is ongoing
		4. Develop and implement training for ICE ERO Officers on suicide prevention of individuals in ICE custody	ICE ERO/Custody Management, and IHSC	Complied FY 2018/Quarter 4

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**U.S. Immigration and Customs Enforcement (ICE) Disability Access Plan (DAP)
Milestones**

DAP Section	Element	Deliverable	Program Office Responsible For Implementing	Status
K	Notification to the Public	1. Ensure Directorates provide a public notice in both English and Spanish on ICE public-facing websites and in all ICE buildings where members of the public may be present	ICE ODCR/CLD	To complete by September 2020
L	Resources	1. Develop and disseminate broadcast message to ICE personnel on the availability of resources on the Disability Access internal webpage	ICE ODCR/CLD	To complete by September 2020
		2. Develop and disseminate broadcast message to ICE ERO field offices on the availability of resources related to the accommodation of detainees with disabilities	ICE ERO/Custody Management	Compliance is ongoing
		3. Update the Disability Access Resource internal webpage to ensure that all available disability access resource materials are made known to ICE employees	ICE ODCR/CLD	Compliance is ongoing
		4. Continually assess staff resources to determine whether additional funding may be needed to ensure that individuals with disabilities are accommodated	ICE ERO/Custody Management	Compliance is ongoing
		5. Assess whether a centralized accommodation fund is needed to facilitate the provision of accommodations or effective communication to individuals with disabilities	ICE ODCR/CLD	To complete by September 2020
M	Implementation Steps	1. Oversee the implementation of and compliance with the ICE-wide Disability Access Plan	ICE ODCR/CLD	To complete by September 2020