



**U.S. Department of Justice  
Federal Bureau of Prisons**

FCI Leavenworth  
1300 Metropolitan Avenue  
Leavenworth, Kansas 66048  
(913) 682-8700

---

*Office of the Warden*

June 20, 2025

Eunice Hyunhye Cho  
National Prison Project  
American Civil Liberties Union  
915 15<sup>th</sup> St. NW, Washington DC 20005

Dear Eunice Hyunhye Cho:

I appreciate you highlighting your concerns regarding the detention of Immigration and Customs Enforcement ("ICE") detainees at FCI Leavenworth and can assure you that your concerns and recommendations have been reviewed and considered.

**I. Immigration Cases**

As an initial matter, ICE retains primary authority to detain individuals for immigration violations. As such, it is recommended you address any concerns regarding individuals whom you believe "continue to be held in custody even though they have already won their immigration cases" to ICE or other appropriate entities.

**II. ICE Detainee Movement, Access to Recreation, and Other Concerns**

While in Bureau of Prisons ("BOP") custody, ICE detainees are subject to the BOP's rules and regulations consistent with BOP's policies for pre-trial detainees, as well as other applicable laws, rules and regulations. On occasion, and due to identified safety and security concerns, it is necessary to modify the operations of the unit and limit the movement of individuals in specific housing units. As it pertains to the housing unit for the ICE detainees, there has only been one period of modified operations that occurred for 72 hours, and no

other instance where the unit has operated under modified operations in excess of eight hours.

Except for the limited and infrequent instances, all ICE detainees have time outside of their cell each day and have access to exercise, the electronic law library and phone systems. FCI Leavenworth has also reviewed the recreation schedule at FCI Leavenworth to ensure that ICE detainees are afforded the opportunity, weather permitting, for at least one hour of outside recreation five days per week. The new recreation schedule, which includes outside recreation in addition to the previously provided indoor recreation, was instituted this week.

No use of force at FCI Leavenworth is utilized to abuse or punish detainees or inmates. Any necessary use of force at FCI Leavenworth is conducted consistent with BOP policy and federal regulation.

There are currently no capacity concerns at FCI Leavenworth. Additionally, FCI Leavenworth regularly undertakes appropriate sanitation measures of the ICE detainee housing unit, as well as all locations at FCI Leavenworth, and provides cleaning supplies to detainees and inmates to ensure proper sanitation of their own living quarters.

### **III. Health Services Department**

FCI Leavenworth continues to administer medical services to a high standard of care and within applicable laws, regulations and policy. The Health Services Department staff conduct rounds at least weekly in the ICE detention unit to address any concerns of the ICE detainees. Additionally, ICE detainees may submit requests to staff if they need to speak with a health care provider when Health Services Department staff are not in the unit. Any specific concern about urgent or emergent health care should be directed to staff as soon as possible.

The BOP has reviewed procedures and already addressed the concern relating to charging a \$2.00 fee for certain health visits requested by the detainee. As of earlier this month, the \$2.00 fee for requested services is no longer charged and staff have been instructed to reverse all charges.

#### **IV. Language Access and the Health Services Department**

Health Services Department staff utilize a service called LanguageLine, which provides interpretation services for over 240 languages. LanguageLine is utilized during intake assessments and during other health care interactions. ICE detainees who report limited proficiency in English are assessed in an examination room equipped with a speaker phone to facilitate the use of LanguageLine. Health Services Administration routinely verifies with staff that LanguageLine is working properly and without delay or difficulty.

Additionally, to facilitate even greater access to Health Care services for ICE detainees, request slips written in Spanish are presently available.

#### **V. Telephone Access and Legal Calls**

Pursuant to the Inter-Agency Agreement between ICE and the BOP ("IAA"), ICE detainees "will comply with existing BOP institutional telephone regulations [and] ICE detainees must make arrangements with an ICE representative to make any telephone call that cannot be placed through the Inmate Telephone System (ITS) if feasible."

The BOP utilizes an Inmate Telephone System to provide telephone access for inmates and detainees to remain in contact with their family and the community. All individuals who utilize this system must have an account, and pursuant to policy, is limited to 300 minutes per calendar month.

Attorneys can schedule legal calls with their clients. While unmonitored phones for legal calls have been in place since ICE detainees have arrived, an additional unmonitored line has been added in a more private setting. Additionally, as per the IAA, ICE detainees may submit requests to the Unit Team to facilitate legal calls that are not scheduled by their attorneys. In order to submit this request, ICE detainees must provide the name and phone number of the attorney of whom they wish to set up a call to a Unit Team member. Notices in English, Spanish and other languages have been posted notifying detainees that requests for legal calls must be submitted to the Unit Team. Additional clarifying information regarding these

procedures has also been provided to the ICE detainee population.

## **VI. Printing from the Electronic Law Library and Legal Mail**

Due to unexpected delays in the installation of the ICE Electronic Law Library ("ELL"), FCI Leavenworth has installed its own TRULINCS connected ELL system. FCI Leavenworth TRULINCS connected ELL system allows individuals to access the ELL for free but does not permit free printing of ELL material. The charging for printing of the TRULINCS connected ELL system is not a local matter but is a characteristic of the TRULINCS system across the BOP. FCI Leavenworth continues to work with ICE to have a system installed pursuant to IAA. ICE detainees may also submit a request to the Unit Team for free copies of a reasonable amount of legal material.

Legal mail received is processed for ICE detainees pursuant to BOP policies and procedures. The processing of legal mail is ordinarily completed within 24 hours. There have been no known delays in processing either in coming or outgoing legal mail for ICE detainees.

In order to ensure that legal mail receives confidential protections, it must be appropriately identified as "Special Mail." The procedures for "Special Mail" are provided in BOP Program Statement 5265.14, Correspondence, and the relevant federal regulations.<sup>1</sup> Only incoming mail that is appropriately marked as such will be treated as "Special Mail."

## **VII. Programming and Religious Services for ICE Detainees**

ICE detainees have access to the same type of services as pre-trial detainees. This includes access to education and psychology materials, leisure and law libraries, and recreation. Additionally, each department at FCI Leavenworth providing services to the ICE detainees makes at least weekly rounds to the ICE detainees to address any questions or concerns.

---

<sup>1</sup> BOP Program Statement 5265.14, Correspondence, at pp. 14-17 and 28 C.F.R. § 540.18. BOP Program Statements can be located at <https://www.bop.gov/PublicInfo/execute/policysearch?todo=query>.

Regarding your concern for Religious Service, the Religious Services Department is accessible and is one of the departments that makes rounds at least weekly. ICE detainees are afforded the opportunity to practice their faith while in custody and may engage in religious practices either individually or in groups while the detainees are outside their living quarters, unless there is a documented threat to the safety, security or orderly operation of the facility.

In addition to the weekly rounds by the Religious Services Department, ICE detainees have the option to submit direct requests to Religious Services. ICE detainees may also purchase religious items through the commissary or an approved catalog by submitting a BP-A0200, Special Purpose Order Request.

#### **VIII. Conclusion**

FCI Leavenworth remains committed to all applicable agreements, laws, regulations, and guidance regarding ICE detainees housed at our institution and we appreciate your concerns and recommendations. As explained above, several procedures as they pertain to ICE detainees have been altered since your correspondence was received.

Finally, if there are any specific concerns in the future, please feel free to reach out to either myself or Assistant General Counsel Nathan Atkinson so that any concerns can be addressed as soon as possible.

Sincerely,

C. Carter  
Warden  
FCI Leavenworth

Cc: Manda Walters, Office of Partnership and Engagement, US ICE  
Kyle Virgien, ACLU  
Michael Sharma-Crawford