

Request for Records Disposition Authority

Records Schedule Number DAA-0567-2015-0012

Schedule Status Approved

Agency or Establishment Immigration and Customs Enforcement

Record Group / Scheduling Group Records of the Bureau of Immigration and Customs Enforcement

Records Schedule applies to Agency-wide

Schedule Subject Office of Professional Responsibility

Internal agency concurrences will be provided No

Background Information The ICE Office of Professional Responsibility (OPR) upholds the agency’s standards for integrity and professionalism. As a key part of that responsibility, OPR investigates allegations of misconduct involving employees of ICE.

OPR investigates misconduct allegations based upon the following criteria: allegations that, if true, would constitute violations of state or federal criminal law; or allegations of misconduct that, if true, would jeopardize or undermine the agency’s ability to perform its mission.

In cases of potential misconduct, OPR prepares reports of its investigations for possible judicial or management action. OPR also provides independent reviews of ICE programs and offices, adjudicates ICE background investigations and issues security clearances for all prospective and current ICE employees and contract staff.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
10	2	8	0

GAO Approval

Outline of Records Schedule Items for DAA-0567-2015-0012

Sequence Number	
1	Internal Affairs Significant Misconduct Investigative Case Files Disposition Authority Number: DAA-0567-2015-0012-0001
2	Internal Affairs Routine Misconduct Investigative Case Files Disposition Authority Number: DAA-0567-2015-0012-0002
3	Mismanagement Inquiry and Allegation Files Disposition Authority Number: DAA-0567-2015-0012-0003
4	Office of Detention Oversight Inspection Files Disposition Authority Number: DAA-0567-2015-0012-0004
5	Giglio and Henthorn Requests - Negative Responses Disposition Authority Number: DAA-0567-2015-0012-0005
6	Giglio and Henthorn Requests - Positive Response Disposition Authority Number: DAA-0567-2015-0012-0006
7	Security Assessment Reports Disposition Authority Number: DAA-0567-2015-0012-0007
8	Administratively Controlled Nondisclosure Agreements - Non- Case Related Disposition Authority Number: DAA-0567-2015-0012-0008
9	Self-Inspection Program (SIP) Reports Disposition Authority Number: DAA-0567-2015-0012-0009
10	Office of Detention Oversight Annual Report on Inspections Disposition Authority Number: DAA-0567-2015-0012-0010

Records Schedule Items

Sequence Number	
1	<p data-bbox="342 380 1224 411">Internal Affairs Significant Misconduct Investigative Case Files</p> <p data-bbox="342 432 1149 464">Disposition Authority Number DAA-0567-2015-0012-0001</p> <p data-bbox="342 485 1516 936">Case files developed during the investigation of known or alleged fraud, abuse and irregularities or violations of laws and regulations. Cases are conducted by OPR special agents, and relate to agency personnel, programs, and operations administered or financed by the agency, including contractors and others having a relationship with the agency. Significant misconduct investigative case files involve substantive information relating to national security; attract substantial media or Congressional attention; result in substantial changes in ICE policy or procedures; or involve substantial misconduct on the part of senior agency officials, defined as the agency head or head of a significant agency component. Files include, but are not limited to, complaints, written statements, photographs, video or audio recordings, correspondence, notes, report of findings, and supporting documents initiated or collected during the investigation.</p> <p data-bbox="342 957 922 989">Final Disposition Permanent</p> <p data-bbox="342 1010 850 1041">Item Status Active</p> <p data-bbox="342 1062 818 1094">Is this item media neutral? Yes</p> <p data-bbox="342 1115 805 1251">Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No</p> <p data-bbox="342 1272 997 1325">GRS or Superseded Authority Citation N1-85-99-6 / 2/a</p> <p data-bbox="342 1356 659 1388">Disposition Instruction</p> <p data-bbox="342 1419 1500 1493">Cutoff Instruction Cut off when case is closed or when all actions have been completed, whichever is later</p> <p data-bbox="342 1514 1451 1587">Transfer to the National Archives for Accessioning Transfer to the National Archives 20 year(s) after cutoff.</p> <p data-bbox="342 1619 656 1650">Additional Information</p> <p data-bbox="342 1682 834 1713">First year of records accumulation 2003</p> <p data-bbox="342 1734 1045 1829">What will be the date span of the initial transfer of records to the National Archives? From 2003 To 2007</p> <p data-bbox="342 1850 964 1944">How frequently will your agency transfer these records to the National Archives? Every 5 Years</p>

2

Internal Affairs Routine Misconduct Investigative Case Files

Disposition Authority Number DAA-0567-2015-0012-0002

Case files developed during the investigation of known or alleged of misconduct that constitute any of the following: a violation of law, rule, or regulation; serious mismanagement; a gross waste of funds; an abuse of authority; and a specific danger to health or public safety. Cases are conducted by OPR special agents, and relate to agency personnel, programs, and operations administered or financed by the agency, including contractors and others having a relationship with the agency. Files include, but are not limited to, complaints, written statements, photographs, video or audio recordings, correspondence, notes, report of findings, and supporting documents initiated or collected during the investigation.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

GRS or Superseded Authority Citation N1-036-92-1 / 2
N1-085-99-6 / 2b
N1-085-99-6 / 2c

Disposition Instruction

Cutoff Instruction Cut off at the end of the calendar year in which case is closed or when all actions have been completed

Retention Period Destroy 25 year(s) after cutoff

Additional Information

GAO Approval Not Required

3

Mismanagement Inquiry and Allegation Files

Disposition Authority Number DAA-0567-2015-0012-0003

Case files developed to examine complaints or allegations of less serious misconduct and performance issues, such as leave, insubordination, and unprofessional conduct. These cases do not involve criminal behavior or serious misconduct on the part of the employee, or gross mismanagement by the program. Inquiries are conducted by an ICE Fact-Finder, or program office designee with consultation and oversight provided by OPR. All complaints or allegations are screened by OPR prior to being referred to an ICE program office. Records include, but are not limited to, complaints, written statements, photographs,

correspondence, notes, report of findings, recommendations, and other documents initiated or collected during the review of the matter.

Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
GRS or Superseded Authority Citation	N1-085-99-6 / 2/b

Disposition Instruction

Cutoff Instruction	Cut off at the end of the calendar year in which the case is closed or when all actions are completed
Retention Period	Destroy 10 year(s) after cutoff

Additional Information

GAO Approval	Not Required
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Office of Detention Oversight Inspection Files

Disposition Authority Number	DAA-0567-2015-0012-0004
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Records documenting OPR compliance inspections of ICE Enforcement and Removal Operations (ERO) detention facilities, field office inspections, and 287(g) inspections. Records include, but are not limited to, inspection notification memorandum, summary of findings, inspection reports, abatement actions, and supporting documentation.

Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No

Disposition Instruction

Retention Period	Destroy after completing second succeeding inspection (i.e., retain records of the two most recently completed inspections).
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Additional Information

5	<p>GAO Approval Not Required</p> <p>Giglio and Henthorn Requests - Negative Responses</p> <p>Disposition Authority Number DAA-0567-2015-0012-0005</p> <p>Files documenting responses to requests from U.S. Attorney's Offices and the Department of Justice litigating sections regarding the disclosure of potential impeachment information related to ICE employees who testify in criminal matters. Records include, but are not limited to, a written request from the designated Assistant U.S. Attorney (AUSA); requests, worksheets and supporting documentation identifying those records (official personnel files, misconduct files, etc.) reviewed and any finding associated with each review; a written reply to the respective AUSA summarizing any applicable derogatory and/or findings of misconduct information that reflects upon the truthfulness or possible bias in the ICE employee/witness. OPR provides both negative and positive written responses to the requesting AUSA. A negative response advises a search of ICE records disclosed no potentially impeachable information pertinent to the ICE employee/witness.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No</p> <p>Disposition Instruction</p> <p>Cutoff Instruction Cut off at the end of the fiscal year in which response is provided to the AUSA</p> <p>Retention Period Destroy 5 year(s) after cutoff or when completion of the specific criminal case in which the employee was a potential witness or affiant; occurs, whichever is later</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
6	<p>Giglio and Henthorn Requests - Positive Response</p> <p>Disposition Authority Number DAA-0567-2015-0012-0006</p> <p>Files documenting responses to requests from U.S. Attorney's Offices and the Department of Justice litigating sections regarding the disclosure of potential impeachment information related to ICE employees who testify in criminal matters. Records include, but are not limited to, a written request from the designated Assistant U.S. Attorney (AUSA); requests, worksheets and supporting</p>

documentation identifying those records (official personnel files, misconduct files, etc.) reviewed and any finding associated with each review; a written reply to the respective AUSA summarizing any applicable derogatory and/or findings of misconduct information that reflects upon the truthfulness or possible bias in the ICE employee/witness. OPR provides both negative and positive written responses to the requesting AUSA. A positive response provides a synopsis of derogatory information found during the records search, to include date(s) of any investigations/administrative inquiry, nature of allegation(s), and findings/disciplinary action taken.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Cutoff Instruction Cut off at the end of the fiscal year in which response is provided to the AUSA

Retention Period Destroy 10 year(s) after cutoff or when employee retires or separates from the Department of Homeland Security occurs, whichever is later

Additional Information

GAO Approval Not Required

Security Assessment Reports

Disposition Authority Number DAA-0567-2015-0012-0007

Security assessments, compliance and accreditation reports produced by external agencies (e.g. DHS HQ, Federal Protective Services (FPS), Office of the Director of National Intelligence (ODNI), U.S. Government Accountability Office (GAO), Information Security Oversight Office (ISOO), etc.) documenting the review of all ICE Security programs (Personnel Security, Physical Security; Administrative Security; Special Security Programs; Communication Security, Operational Security; Industrial Security and Foreign Access Management) and their compliance with established procedures, policies and implementation of Department regulations.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

7

8	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Cut off at end of the calendar year in which the report is issued
	Retention Period	Destroy 7 year(s) after cutoff
	Additional Information	
	GAO Approval	Not Required
	Administratively Controlled Nondisclosure Agreements - Non- Case Related	
	Disposition Authority Number	DAA-0567-2015-0012-0008
	Nondisclosure agreements pertaining to the protection of administratively controlled information or material (e.g. Law Enforcement Sensitive, Sensitive but Unclassified, For Official Use Only) signed by an external party, but not filed in a specific investigative or inspection file; and does not include nondisclosures for access to classified information.	
	Final Disposition	Temporary
Item Status	Active	
Is this item media neutral?	Yes	
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No	
9	Disposition Instruction	
	Cutoff Instruction	Cut off at the end of the calendar year in which the external party completes the service or assistance to OPR
	Retention Period	Destroy 10 year(s) after cutoff or when no longer needed for business purpose occurs, whichever is later
	Additional Information	
	GAO Approval	Not Required
	Self-Inspection Program (SIP) Reports	
	Disposition Authority Number	DAA-0567-2015-0012-0009

Annual self-inspection reports submitted to OPR by ICE program offices in accordance with the ICE Self-Inspection Program (SIP). The SIP verifies and ensures ICE's mission is performed in accordance with established policies and procedures and evaluates the effectiveness and efficiency of agency operations. Supporting documentation used to conduct the self-inspection is maintained by each program office.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Cutoff Instruction Cut off at the end of the fiscal year in which self-inspection is completed

Retention Period Destroy 3 year(s) after cutoff

Additional Information

GAO Approval Not Required

10

Office of Detention Oversight Annual Report on Inspections

Disposition Authority Number DAA-0567-2015-0012-0010

Annual report of compliance inspections at detention facilities housing detainees for periods in excess of 72 hours and with an average daily population greater than 10. The report summarizes common and significant deficiencies, corrective actions initiated, best practices, and recommendations identified by ODO.

Final Disposition Permanent

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Cutoff Instruction Cut off at the end of the calendar year in which the report is created.

Transfer to the National Archives for Accessioning Transfer to the National Archives 15 year(s) after cutoff.

Additional Information

What will be the date span of the initial transfer of records to the National Archives? **From 2014 To 2018**

How frequently will your agency transfer these records to the National Archives? **Every 5 Years**

Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
10/20/2015	Certify	Dawn Boswell	Records Officer	OAS - Privacy and Records
12/15/2016	Return for Revision	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA
05/23/2017	Submit For Certification	Vanessa Ortiz	Records Management Specialist	Department of Homeland Security - Immigration and Customs Enforcement
05/23/2017	Certify	Vanessa Ortiz	Records Management Specialist	Department of Homeland Security - Immigration and Customs Enforcement
07/10/2017	Return for Revision	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA
12/20/2018	Submit For Certification	Vanessa Ortiz	Records Management Specialist	Department of Homeland Security - Immigration and Customs Enforcement
12/20/2018	Certify	Vanessa Ortiz	Records Management Specialist	Department of Homeland Security - Immigration and Customs Enforcement
02/07/2019	Return for Revision	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA
03/14/2019	Submit For Certification	Vanessa Ortiz	Records Management Specialist	Department of Homeland Security - Immigration and Customs Enforcement
03/14/2019	Certify	Vanessa Ortiz	Records Management Specialist	Department of Homeland Security

				- Immigration and Customs Enforcement
03/09/2020	Submit for Concurrency	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA
03/12/2020	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
03/12/2020	Concur	Laurence Brewer	Chief Records Officer	National Records and Archives Administration - National Records and Archives Administration
03/16/2020	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist