

ICE/DRO DETENTION STANDARD

ADMISSION AND RELEASE

I. PURPOSE AND SCOPE. This Detention Standard protects the community, detainees, staff, volunteers, and contractors by ensuring secure and orderly operations when detainees are admitted to or released from a facility.

It applies to the following types of facilities housing ICE/DRO detainees:

- Service Processing Centers (SPCs);
- Contract Detention Facilities (CDFs); and
- State or local government facilities used by DRO through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours.

Procedures in italics are specifically required for SPCs and CDFs. IGSAs must conform to these procedures or adopt, adapt or establish alternatives, provided they meet or exceed the intent represented by these procedures.

Some terms used in this document may be defined in the separate **Definitions Standard**.

II. EXPECTED OUTCOMES. The expected outcomes of this Detention Standard are:

1. Upon admission each detainee will be screened to ensure facility safety, security, and good order. Strip searches will be conducted in the least intrusive manner practicable.
2. Upon admission, each detainee's personal property and valuables will be checked for contraband, inventoried, receipted, and stored.
3. Each detainee's identification documents will be secured in the detainee's A-file.
4. Upon admission, each detainee will be medically screened to protect the health of the detainee and others in the facility.
5. Upon admission, each detainee will be given an opportunity to shower and be issued clean clothing, bedding, towels, and personal hygiene items.
6. Upon admission, each detainee will undergo screening interviews and complete questionnaires and other forms.
7. Each newly admitted detainee will be kept separated from the general population until classified and housed accordingly.
8. Each newly admitted detainee will be oriented to the facility through written material on facility policies, rules, prohibited acts, and procedures and, in some facilities, by viewing an orientation video, in a language or manner he or she can understand.
9. Detainees will be released, removed, or transferred from a facility only when staff have followed specified procedures and completed required forms.

10. The facility will maintain accurate records and documentation on all detainees' admission, orientation, and release.
11. Detainees will have access to a telephone during the admission process
12. The applicable contents and procedures in this Standard will be communicated to the detainee in a language or manner which the detainee can understand.

III. DIRECTIVES AFFECTED

This Detention Standard replaces **Admission and Release** dated 9/12/2008.

This Detention Standard incorporates the Change Notice to the **Admission and Release** Detention Standard communicated in a memorandum for Field Office Directors and others dated 10/15/2007 from the Director, Office of Detention and Removal Operations.

IV. REFERENCES

American Correctional Association 4th Edition Standards for Adult Local Detention Facilities: 4-ALDF-2A-08, 2A-17, 2A-19, 2A-20, 2A-21, 2A-22, 2A-23, 2A-24, 2A-25, 2A-26, 2A-27, 2A-28, 2A-29, 2A-30, 2A-32, 2A-33, 2C-03, 2C-04, 2C-05, 3A-01, 4B-02, 4B-06, 4C-29, 5B-18, 6A-05, 7D-11, 7D-20.

ICE/DRO Detention Standard on **Searches of Detainees**.

ICE/DRO Detention Standard on **Contraband**.

ICE/DRO Detention Standard on **Funds and Personal Property**.

ICE/DRO Detention Standard on **Personal Hygiene**.

ICE/DRO Detention Standard on **Classification System**.

ICE/DRO Detention Standard on **Detainee Handbook**.

ICE/DRO Detention Standard on **Transfer of Detainees**.

ICE/DRO Detention Standard on **Telephone Access**.

V. EXPECTED PRACTICES

A. Overview of Admission, Orientation, and Release

As detailed below, each facility is required to implement written policies and procedures for the intake and reception of newly arrived detainees and to provide them with information about facility policies, rules and procedures. At intake, detainees shall be searched, and their personal property and valuables checked for contraband, inventoried, receipted, and stored. Each detainee's identification documents shall be secured in the detainee's A-file. Medical screening protects the health of the detainee and others in the facility, and the detainee shall be given an opportunity to shower and be issued clean clothing, bedding, towels, and personal hygiene items.

Each new arrival shall undergo screening interviews, and shall complete questionnaires and other forms. For safety, security, and good order of the facility, each newly arrived detainee shall be kept separated from the general population until he or she is classified and housed accordingly.

Each new arrival shall be oriented to facility operations through written material in the form of a handbook or equivalent, covering such issues as access to health care services, sick call and grievance procedures, and the facility's rules and prohibited acts. In some facilities, they may have an opportunity to view an orientation video.

Before a detainee's release, removal, or transfer from a facility, staff must follow specified procedures and complete various forms.

B. Intake and Reception

1. All facilities shall have in place a written policy and procedure related to the admissions process, which shall include intake and admissions forms and screening forms. Staff members shall be provided with adequate training on the admissions process at the facility. Admission processes for a newly admitted detainee include, but are not limited to:

- Recording basic personal information;
- Criminal history check;
- Photographing and fingerprinting, including notation of identifying marks or other unusual physical characteristics;
- Medical and mental health screenings;
- Inventory of personal property.

2. Screening of Detainee

All detainees shall be screened upon admission, ordinarily including:

- Screening with a metal detector,
- A thorough pat search, and
- A search of his or her clothing (or the issuance of institutional clothing).

Staff shall permit the detainee to change clothing and shower in a private room without being visually observed by staff, unless there is reasonable suspicion to search the detainee in accordance with the section below on Strip Searches and the Detention Standard on **Searches of Detainees**. A staff member of the same gender shall be present immediately outside the room where the detainee changes clothing and showers, with the door ajar to hear what transpires inside. The staff member must be prepared to intervene or provide assistance if he or she hears or observes any indication of a possible emergency or contraband smuggling.

In SPCs and CDFs, to maintain standards of personal hygiene and to prevent the spread of communicable diseases and other unhealthy conditions within the housing units, every detainee must shower before entering his or her assigned unit. During the detainee's shower, an officer of the same gender shall remain in

the immediate area as described above.

3. Search of Clothing and Personal Items

Staff shall focus search efforts on commonly used hiding and smuggling places, such as pockets, waistbands, seams, collars, zipper areas, cuffs, and shoe exteriors and interiors, including under the inner soles.

Staff shall also inspect all open containers, and inventory and store factory-sealed durable goods in accordance with facility procedures.

Items discovered during the search of a detainee or his or her property shall be identified as:

- Contraband and processed in accordance with the Detention Standard on **Contraband**, or
- Funds, valuables, or other personal property, to be kept in the detainee's possession or inventoried, receipted, stored, or mailed to an address provided by the detainee, in accordance with the Detention Standard on **Funds and Personal Property**.

4. Strip Searches

a. Description

Staff shall not routinely require a detainee to remove clothing or require a detainee to expose private parts of his or her body to search for contraband.

A strip search must take place in an area that affords privacy from other detainees and from facility staff who are not involved in the search. Observation must be limited to members of the same sex.

The articulable facts supporting the conclusion that reasonable suspicion exists should be documented.

During all strip searches, a Form G-1025 (Record of Search) or its equivalent will be completed.

b. Gender of Inspector

Staff of the same gender as the detainee shall perform the search, except where circumstances are such that delay would mean the likely loss of contraband. Where staff of the opposite gender makes a strip search, staff shall document the reason for the opposite gender search in any logs used to record searches and in the detainee's detention file.

Except in the case of an emergency, a staff member may not perform strip searches of detainees of the opposite gender. When members of the opposite sex perform a strip search, it is mandatory that two staff members must be present.

c. Reasonable Suspicion

Staff may conduct a strip search only where there is reasonable suspicion that contraband may be concealed on the person. Officers must obtain supervisory approval before conducting strip searches. "Reasonable suspicion" means

suspicion that would lead a reasonable correctional officer to believe that a detainee is in possession of contraband. It is a more permissive (lower) standard than probable cause, but it is more than a mere hunch. It must be based on specific and articulable facts—along with reasonable inferences that may be drawn from those facts—that the officer should document in Form 1025 (or contractor equivalent).

Reasonable suspicion is determined under the totality of the circumstances. There is no simple, exact, or mathematical formula for reasonable suspicion. It may be based on one, or a combination of, the following factors:

- Observation of unusual, surreptitious, or suspicious appearance or behavior;
- Evasive or inconsistent responses to questions by law enforcement officers;
- Discovery of a weapon or other contraband during a pat search, metal detector scan, or other non-intrusive search;
- The detainee's criminal history, particularly felony or misdemeanor convictions of crimes involving violence, weapons, † contraband, and illegal substances. Ordinarily, convictions for minor or non-violent offenses should not be the only basis for reasonable suspicion;
- Whether the detainee was detained concurrently with an arrest for a crime of violence; or whether the detainee was arrested in possession of a weapon, or in possession of contraband such as illegal drugs.
- Information from law enforcement databases or from other reliable sources suggesting that the detainee has affiliations with terrorist organizations, criminal gangs, or organized crime;
- The detainee's history during confinement, particularly of violence, or possession of contraband, or
- The lack of identity documents, or the possession of multiple or fraudulent identity documents, making it difficult to verify the detainee's criminal or institutional confinement history.

Before strip searching a detainee to search for contraband, an officer should first attempt to resolve his or her suspicions through less intrusive means, such as a thorough examination of reasonably available ICE, CBP, and other law enforcement records; a pat-down search; a detainee interview; or (where available) the use of a magnetometer or Boss chair. The officer should document the results of those other, less intrusive, search methods on Form G-1025 (or contractor equivalent).

5. Search of Baggage and Personal Property

In accordance with the Detention Standard on **Funds and Personal Property**, each facility shall have a procedure for inventory and receipt of detainee baggage and personal property (other than funds and valuables, which are addressed below).

Identity documents, such as passports, birth certificates, driver's licenses, shall be inventoried and given to ICE/DRO staff for placement in the detainee's A-file.

In SPCs and CDFs, staff shall prepare an itemized list of the detainee's baggage and personal property, using the Personal Property Inventory Form. If a detainee has no baggage, staff shall use a facility container to store his or her personal property.

6. Missing Detainee Property

When a newly arrived detainee claims his or her property has been lost or left behind, staff shall complete a Form I-387, "Report of Detainee's Missing Property." IGSA facilities shall forward completed I-387s to ICE/DRO.

In accordance with the Detention Standard on **Funds and Personal Property**, each facility shall institute procedures for inventory and receipt of detainee funds and valuables.

7. Medical Screening

To protect the health of the detainee and others in the facility, each facility shall medically screen each newly arrived detainee, in accordance with the Detention Standard on **Medical Care**.

8. Establishment of a Detainee Detention File

As part of the admission process, staff shall open a detainee detention file that shall contain all paperwork generated by the detainee's stay at the facility. Reference is made to the Detention Standard on **Detention Files**.

C. Clothing and Bedding

In accordance with the Detention Standard on **Personal Hygiene**, staff shall issue those clothing and bedding items that are appropriate for the facility environment and local weather conditions.

D. Classification

In accordance with the Detention Standard on **Classification System**, staff shall use the documentation accompanying each new arrival for identification and classification purposes. If the classification staff is not ICE/DRO employees, ICE/DRO shall provide only the information needed for classification.

Under no circumstances may non-ICE/DRO personnel have access to the detainee's A-file.

The classification process determines the appropriate level of custody for each detainee. Once this is established, staff can issue the detainee clothing and wristband in the appropriate color for his or her classification level.

In SPCs and CDFs, new detainees shall remain segregated from the general population during the orientation and classification period.

E. Admissions Documentation

An Order to Detain or Release the detainee (Form I-203 or I-203a), bearing the appropriate ICE/DRO Authorizing Official signature, must accompany each newly arriving detainee. Staff shall prepare specific documents in conjunction with each new arrival to facilitate timely processing, classification, medical screening, accounting of personal effects, and reporting of statistical data.

In SPCs and CDFs:

An A-File, temporary work file, or book-in packet must accompany the arriving detainee, unless ICE/DRO and facility officials have authorized other arrangements.

Forms requiring completion include, but are not limited to, the Alien Booking Record (Form I-385 or equivalent); the medical questionnaire; the housing assignment card, and any others used by the booking SPC/CDF.

Based on a one-on-one interview with the newly arrived detainee, the admissions processing officer, or designated medical officer shall complete the DIHS In-Processing Health Screening Form I-794.

For SPCs the following criteria applies (CDFs and IGSA's shall develop an equivalent process for processing detainees):

The I-385 or equivalent, Alien Booking Record or booking card, contains blocks in which the Processing Officer shall enter information during the admissions process. In some circumstances, the arresting or delivering office shall enter biographical information, including name, sex; age, date of birth, birthplace, country of citizenship, A-number; medical alert, date apprehended, booking office, date of transfer, and places involved in transfer (origin and destination).

If the arresting/delivering office has not initiated an I-385, the admissions processing officer is responsible for its completion, excluding the release information.

- 1. Circle or write the name of the facility receiving the detainee.*
- 2. Complete the biographical information in blocks 1, 2, 3, 4, 5 and 6 with information provided in the detainee's A-file or I-385 (presence of detainee not required).*
- 3. Attach the detainee's photograph to the right of the biographical data.*
- 4. Record detainee responses (checking "yes" or "no") to Section I interview questions covering recent doctor visits, hospital stays, drug and alcohol abuse; and other physical and mental health conditions and concerns. On the forms for male detainees, strike the pregnancy question and enter "N/A."*
- 5. Mark the diagrams of the human anatomy printed to the right of Section I, to indicate the approximate locations of any bruises, scars, cuts, and other marks and distinguishing characteristics observed on the detainee. If the officer who searches the detainee is not the officer completing the questionnaire, he/she shall likewise mark the diagram.*
- 6. Respond "yes" or "no" to the questions in Section II, based on general*

observations of the detainee during the admissions process so far (compliance with orders, responsiveness, demeanor, etc.).

7. Circle the appropriate action of the above questioning in Section III, below:

#1 - "General Population" – Applicable when 100 percent of responses to questions in sections I and II are negative ("no" circled). This authorizes the detainee's release into the facility's general population, once the classification level is established.

#2 - "General Population with Referral to Medical Care" – Applicable when one or more responses to questions in sections I and II are positive ("yes" circled) and, while this could indicate any of several conditions, none causes immediate concern. The detainee's release into the facility's general population is authorized, with follow-up by the medical department.

#3 - "Referral for Immediate Medical Attention" – Applicable when one or more positive responses in sections I and II cause immediate concern for the detainee's physical or mental health. The officer informs the shift supervisor of the need for immediate medical attention; the shift supervisor then contacts the medical department, describes the situation, and does as instructed.

#4 - "Isolation until Medically Evaluated" - Applicable when a positive response in section I or II suggests a contagious disease, or when the detainee's behavior during questioning seems threatening to self or others. The officer prepares an Administrative Segregation Order and, in accordance with facility procedures, the detainee is placed in the Special Management Unit pending medical review. The medical review shall take place as soon as practical, but no later than 24 hours after isolation, even if this means involving on-call medical staff.

8. After completing the form, provide signature and ID number in the signature block and, if the signature is illegible, neatly print name above it.

9. Print onto a color-coded wristband information that includes, but is not limited to, the following: detainee's name and A-number; housing and bunk assignment; and I-77 number.

10. Strap the color-coded wristband around the detainee's wrist in a way that shall not cause circulation problems. Advise the detainee that the wristband must remain on his or her wrist until removed by an officer, and that disregarding this requirement could lead to disciplinary action.

F. Orientation

All facilities shall have a method to provide ICE/DRO detainees an orientation to the facility as soon as practicable, in a language or manner that detainees can understand. Orientation procedures in IGSA's must be approved in advance by the ICE/DRO office of jurisdiction.

As part of the admissions process in SPCs and CDFs, the facility administrator shall screen the facility's orientation video for every detainee.

The video shall:

1. *Be produced with either professional or local resources and meet the standards of quality established by ICE/DRO.*
2. *Be in English and Spanish or English and the most prevalent language(s) spoken by detainees at the facility. The facility administrator shall establish procedures that ensure the availability of an interpreter for a detainee who does not speak the language(s) used in the video. The interpreter shall be available for orientation and scheduled meetings with the detainee. Outside sources may be used if necessary to ensure compliance with this requirement consistent with security measures.*
3. *Present an overview of the facility operations that most affect the detainees.*
4. *At a minimum, each video must provide the following material, which may appear in any order as long as the presentation is coherently organized and edited, with smooth transitions between subjects. The facility administrator may supplement the required information with explanations of particular policies, rules, and procedures.*
 - *Facility administrator's introduction;*
 - *Typical detention-case chronology (what most detainees can expect);*
 - *Authority, responsibilities, and duties of security officers (ICE/DRO and contract);*
 - *How the detainee can contact the deportation officer handling his or her docket;*
 - *Availability of pro bono legal services, and how to pursue such services in the facility, including accessing **Know Your Rights** presentations (location of current listing, etc.);*
 - *Standards of conduct, including acceptable and unacceptable detainee behavior, with an overview of other rules and requirements;*
 - *Disciplinary procedures, including criminal prosecution; grievance procedures; appeals process;*
 - *The facility's Sexual Abuse and Assault Prevention and Intervention Program, including (at a minimum):*
 - *Self-protection;*
 - *Prevention and intervention;*
 - *Reporting sexual abuse or assault; and*
 - *Treatment and counseling.*
 - *Introduction to the individual departments (recreation, medical, etc.); the various housing units; and food services, including availability of diets which satisfy religious requirements;*
 - *Schedule of programs, services and daily activities, including visitation, telephone usage, mail service, religious programs, count procedures,*

access to and use of the law library and the general library; and sick-call procedures;

- *Voluntary work program, with specific details including how to volunteer.*

Following the video, staff shall conduct a question-and-answer session. Staff shall respond to the best of their ability. Under no circumstances may staff give advice about a legal matter or recommend a professional service.

G. Detainee Handbook

1. In accordance with the Detention Standard on **Detainee Handbook**, every facility shall issue to each newly admitted detainee a copy of the ICE National Detainee Handbook and local supplement that fully describes all policies, procedures, and rules in effect at the facility.

2. The Handbook shall provide a more detailed discussion of the material covered in the video overview. The Handbook shall be in English and Spanish or English and the most prevalent language(s) spoken by detainees at the facility. Detainees will be allowed to keep the Handbook with them in their living quarters.

3. If a detainee does not understand the language of the Handbook, the facility administrator shall provide a translator or access to interpreter services as soon as possible for the purpose of orientation. When needed, the facility administrator may contact an outside source.

4. *As part of the admissions process, the detainee shall acknowledge receipt of the Handbook by signing where indicated on the back of the I-385 (or on a separate form).*

- *The designated spot on the back of the I-385 may be a stamped entry containing the date of issue; handbook number, if applicable; initials and ID number of the issuing officer; detainee-signature line; and space for date of return and the receiving officer's initials and ID number.*
- *The stamp used for the handbook issuance may contain an identical section for locker-key issuance.*
- *If a form is used instead of a stamp or comparable notation on the back of the I-385, the officer must record the detainee's name and A-number in addition to the above-required information. The form is maintained in the detainee's detention file.*

H. Releases

Staff must complete certain procedures before any detainee's release, removal, or transfer from the facility. Necessary steps include completing and processing forms, closing files, fingerprinting; returning personal property; and reclaiming facility-issued clothing, bedding, checking wants and warrants, etc. ICE/DRO shall approve IGSA release procedures.

In SPCs and CDFs:

1. *A detainee's out-processing begins when release processing staff receive the Form I-203, "Order to Detain or Release," signed by an authorizing official.*
Generally other paperwork accompanies the I-203, such as the I-205, "Warrant of Removal," the I-286, "Notice of Custody Determination," the I-220A, "Order of Release on Recognizance," the I-220B, "Order of Supervision," the EOIR Order of the Immigration Judge, etc.
2. *Responsibility for having all documentation required for the detainee's release or transfer complete and ready for use by out-processing officers rests with the requesting ICE/DRO official. The requesting ICE/DRO official shall organize documents that must be completed with fingerprints, witness signatures, date stamps, receipt numbers, etc., during out-processing.*
3. *The requesting ICE/DRO official shall present/forward the appropriate documents to the facility administrator or facility administrator's designee.*
4. *After verifying the documents, the facility shall use the most expeditious communication system (e.g., public address system) to instruct the detainee to report to the nearest officer.*
5. *The officer shall check the wristband of the detainee who reports as instructed to verify his or her identity.*
6. *The officer shall advise the detainee to remove all facility-issued items, including the detainee handbook and locker key (if issued), and personal property from the housing unit and, after doing so, to return to the officer for further instruction. If the detainee is physically unable to remove his or her facility-issued and personal items, assistance shall be provided.*
7. *The officer shall remove the detainee's housing-identification card from the file system and turn it over to the detainee, then instruct the detainee to report to Processing. The officer shall use the radio to notify Processing and other officers that the detainee is en route to Processing.*
8. *At this stage of the detainee's out-processing, the Control Officer shall remove any G-589 receipts from the detainee's detention file. The Control Officer shall give the G-589(s) to the shift supervisor for further action, and send the remaining documents to Processing.*
 - *The shift supervisor shall compare the information on the blue portion of the G-589 with that on the pink triplicate portion and, if they match in all particulars, remove the pink copy from its safeguards.*
 - *After verifying the information on each portion of the G-589, the shift supervisor shall remove the funds and valuables from safeguards, attach the two portions of the G-589, make the necessary log entries, place the items in a secure container, and deliver the container to the Processing Officer.*
9. *When the detainee arrives in Processing, the Processing Officer shall verify the detainee's identity, and take physical possession of the housing-identification card, detainee handbook, and locker key (if issued) handed back by the detainee. The officer shall then date and sign the back of the I-385 or specified form and remove the bottom portion(s) of the detainee's I-77(s).*

- *The I-77 authorizes the removal from storage of the detainee's personal property, as inventoried on the form.*
- *Before returning the property to the detainee, the officer shall explain the form and require the detainee to sign his or her name on the bottom of the I-77 or on a separate piece of paper. The officer shall compare this signature with the signature on the back of the top portion of the I-77 that is attached to the property. If the signatures appear the same, the officer shall return the items to the detainee.*
- *The detainee shall check his or her property against the original personal property inventory form. If all property is correctly accounted for, the detainee shall sign the inventory sheet, a copy of which the officer shall place in the detainee's detention file. The detainee shall be provided a copy of the signed form upon request.*

In a private part of the processing area, staff shall:

- *Instruct the detainee to remove all facility-issued clothing, and to dress in his or her personal clothing.*
 - *Inspect the condition and quantity of facility-issued clothing, bedding, etc., surrendered by the detainee.*
 - *Place the returned clothing and bedding, excluding the mattress, in the bin designated for soiled items. These shall be laundered and sanitized as appropriate before reuse.*
 - *Set aside the plastic-covered or -sheathed mattress for rinse and wipe-down with disinfectant or other solution prescribed by the medical department.*
 - *If property is missing, a form I-387 will be provided to the detainee.*
10. *The processing officer shall compare the blue and pink copies of the G-589 with the white copy presented by the detainee. If the detainee's documentation is in order, the officer shall return the detainee's funds and secure the detainee's signature confirming receipt of the inventoried property on the blue copy of the G-589. The facility shall retain all three copies (blue, pink, and white) of the closed-out G-589 in the detainee's detention file.*

If the detainee claims to have lost the white portion of the G-589, the processing officer shall note this on the blue copy, which he/she and the detainee shall certify by signing immediately below. Staff should ensure that the content of the form is clear and that the detainee is made fully aware of what he or she is signing in a language or other manner which the detainee can understand.

11. Releases or Removals

Forms associated with detainee releases or removals from SPCs and CDFs include, but are not limited to:

- **I-203** *Order to Detain or Release*
- **I-205** *Warrant of Removal/Deportation*

- **I-210** Notice of Action--Voluntary Departure
- **I-220A** Order of Release on Recognizance
- **I-220B** Order of Supervision
- **I-296** Notice to Alien Ordered Excluded by Immigration Judge
- **I-352** Immigration Bond
- **I-860** Notice and Order of Expedited Removal

ICE staff shall enter all information pertaining to release, removal, or transfer of detainees into the Enforce Alien Detention Module (EADM) within 8 hours of action.

When a detainee is released from the facility, the facility shall ensure that the release point is an acceptable one. Facilities that are not within a reasonable walking distance of, or that are more than one mile from, public transportation shall transport detainees to local bus/train/subway stations prior to the time that the last bus/train leaves such stations for the day. If public transportation is within walking distance of the detention facility, detainees shall be provided with an information sheet that describes those transportation services. Upon release, detainees shall also be provided with a list of shelter services available in the immediate area. Prior to their release, detainees shall be given the opportunity to make a free phone call to a friend or relative to arrange for pick up from the facility.

12. Transfers

Transfers will be made in accordance with the Detention Standard on **Transfer of Detainees**.

Standard Approved:

James T. Hayes, Jr. /s/

12/5/2008

James T. Hayes, Jr
Director
Office of Detention and Removal Operations

Date