

INS DETENTION STANDARD

NON-MEDICAL EMERGENCY ESCORTED TRIPS

I. POLICY

The Immigration and Naturalization Service (INS) provides detainees with approved staff-escorted trips into the community for the purpose of visiting critically ill members of the detainee's immediate family, or for attending their funerals. This Standard applies to INS only. All facilities shall refer all such requests to the District Director of jurisdiction.

II. APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to below as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

III. STANDARDS AND PROCEDURES

A. Non-Medical Emergency Trip Requests

The District Director (DD) may, on a case-by-case basis, allow a detainee's visit to a critically ill member of his/her immediate family. The DD may likewise allow a detainee to attend an immediate-family member's funeral. "Immediate family member" refers to a parent (including stepparent and foster parent), child, spouse, sister, or brother. If approved, the non-medical emergency travel will take place under INS escort.

The DD is the approving official for non-medical emergency escorted trips from SPCs, CDFs, and IGSAs. The DD may delegate this authority, but not below the Assistant District Director level.

The DD may not delegate this authority when approving a request from a detainee determined to require a high degree of control and supervision.

The OIC of the facility will designate staff to help detainees prepare non-medical emergency trip requests.

The designated staff member will forward the completed request to the detainee's Deportation Officer.

To make an informed recommendation to the DD, the requesting detainee's Deportation Officer will review the merits of the request. The Deportation Officer's review will include consultations with detention enforcement officers, medical staff, the detainee's family, and other persons in positions to provide informed advice. On the basis of the information collected, the Deportation Officer will report on the appropriateness of the detainee's travel plan and the amount of supervision it would entail.

1. Local Trips

Any trip that does not involve more than 10 hours' absence from the facility qualifies as "local." INS will assume the costs associated with local trips, with one exception. If any part of the trip requires transportation by commercial carrier (plane, train, etc.), the detainee must pay his/her own transportation costs.

2. Extended Trips

Any trip that does not qualify as "local" is considered "extended." An extended trip involves more than 10 hours' absence from the facility, and may involve an overnight stay. The detainee, the detainee's family, or some other DD-approved source will finance the detainee's round-trip transportation on a commercial carrier.

3. Travel Arrangements; Ticket Procurement; Allocation of Costs

INS will make all travel arrangements. Travel involving a commercial carrier cannot commence, however, until the detainee or person acting in his/her behalf has submitted an open ticket or electronic-ticket voucher in the detainee's name, paid in full.

INS will provide overnight housing, as needed, in an SPC/CDF, or IGSA facility. If none are available, suitable arrangements shall be made.

INS will assume the travel costs incurred by the transporting officers.

B. Supervision and Restraint Requirements

The transporting officers will follow the policy and procedures provided in the "Transportation (Land Transportation)" standard; the "Escorts" and "Use of Restraints" Enforcement Standards; and all labor-management contracts in effect.

Any detainee under escort will be under the constant and immediate visual supervision of the transporting officers, except when in detention facility lodgings.

C. Selection of Escorts

The OIC of a SPC/CDF or the ADD/DRO of jurisdiction of an IGSA facility, will select and assign the roles of the transporting officers (escorts). The officer designated responsible for the trip will exercise decision-making authority.

D. Training

Escort officers and others, as appropriate, will receive training in accordance with the "Transportation (Land Transportation)" and "Use of Force" standards, along with any other training needed to comply with the requirements of this standard.

E. Escort Instructions

1. Routes, meals, and lodgings (if necessary) will be arranged prior to departure. Escorts will follow the schedule included in the trip authorization, arriving at and departing from the place(s)/event(s) listed at the specified time(s).
2. For security reasons, the trip route and schedule will be classified as confidential.
3. The responsible transporting officer will report unexpected developments to the Control Center at the originating facility. This information will be relayed to the highest-ranking supervisor on duty, who will issue instructions for completion of the trip.
4. Escorts will deny the detainee access to any intoxicant, narcotic, paraphernalia, or drug not prescribed for his/her use by the medical staff.
5. If necessary, the transporting officers may increase the minimum restraints placed on the detainee at the outset of the trip. However, the officers shall at no time reduce the minimum restraints applied in accordance with INS policy (see the "Transportation [Land Transportation]" standard). This means the detainee will attend the sickbed or funeral in restraints. Escorts can exercise no discretion in this matter: they are prohibited from removing the detainee's restraints.
6. Escorts who carry weapons will comply with the INS Firearms Policy (see section 20.012).
7. Officers will not accept gifts or gratuities from the detainee or any other person in appreciation for performing escort duties or for any other reason.

8. Additionally, the escorts will advise the detainee of the rules effective during the trip.
 - a. Among other things, the escorted detainee shall:
 - bring no discredit to INS;
 - violate no Federal, State, or local law;
 - make no unauthorized phone call(s); and
 - arrange no visit(s) without the express permission of the OIC.


If the detainee breaches any of these rules, the responsible officer may decide to abort the trip for an immediate return to the facility.

9. Officers will also remind the detainee that he/she is subject to any or all of the following upon return to the facility: bodily search, urinalysis, breathalyzer, and/or other, comparable tests.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-4G-06.


Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs

SEP 20 2000

Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SEP 20 2000

Date

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

Policy: The Immigration and Naturalization Service (INS) may provide detainees with staff-escorted trips into the community for the purpose of visiting critically ill members of the detainee's immediate family, or for attending funerals.

NON-MEDICAL EMERGENCY ESCORTED TRIPS			
Components	Yes	No	Remarks
1. Does the District Director approve, case-by-case, trips to immediate family member's: a. Funeral? b. Deathbed?			
2. Does the facility recognize mother, father, brother, sister, spouse, child, stepparent, and foster parent as "immediate family"?			
3. Does the IGSA facility notify INS of all detainee requests for non-medical escorts?			
4. Is the District Director the approving official for non-medical escorted trips? a. Is that authority delegated? b. If yes, to whom?			
5. Does the detainee's Deportation Officer review the file before forwarding a detainee's request, with recommendation, to the approving official? a. Does such recommendation address the individual's suitability for travel, e.g., the kind of supervision required?			
6. Does the facility pay for local trips that do not involve public transportation, e.g., airplane, train, etc.? a. What criteria define a "local" trip?			
7. Does INS pay officer costs for overnight trips involving public transportation? a. Does INS pay detainee costs? b. Do procedures prohibit travel until INS receives an open, paid ticket or electronic open-ticket voucher for the detainee? c. If yes, are exceptions ever made?			

NON-MEDICAL EMERGENCY ESCORTED TRIPS			
Components	Yes	No	Remarks
d. Does INS make all travel arrangements? e. Are detainees who require overnight housing placed in IGSA facilities?			
8. Do facility procedures comply with the following INS documents: a. Non-Medical Emergency Escorted Trips Detention Standard? b. Transportation (Land Transportation) Detention Standard? c. Labor-management contracts?			
9. Does each escort include at least two officers? a. Is the detainee under constant, direct visual supervision of escorting staff? b. Are restraints applied strictly in accordance with the Use of Force Detention Standard?			
10. Does the OIC/ADD select escorting staff? a. Does the OIC name the escorting officer the trip's official-in-charge?			
11. Is the Chief Detention Enforcement Officer responsible for training escort officers to follow written procedures ?			
12. Do escorting officers report unexpected situations to the originating facility as a matter of procedure? a. Does the ranking supervisor on duty have the authority to issue instructions for completion of the trip?			
13. Do escorting officers have the discretion to: a. Increase minimum restraints? b. Decrease minimum restraints? c. Do escorting officers remove restraints during bedside visits? d. During funerals?			

NON-MEDICAL EMERGENCY ESCORTED TRIPS

Components	Yes	No	Remarks
14. Under certain circumstances are detainees housed in holdover points that have not been pre-arranged? a. If yes, when? b. Do written procedures address such contingencies? c. Are prior arrangements made for meals and housing?			
15. Does escort officer training include INS Firearms Policy, Section 20.012?			
16. Do escort officers accept gifts/gratuities from a detainee, detainee's relative or friend for any reason? a. Under what circumstances?			
17. Do escort officers ensure that detainees: a. Conduct themselves in a manner that does not bring discredit to the INS? b. Do not violate federal, state, or local laws? c. Do not purchase, possess, use, consume, or administer narcotics, other drugs, or intoxicants? d. Do not arrange to visit family or friends unless approved before the trip? e. Make no unauthorized phone calls? f. Know they are subject to search, urinalysis, breathalyzer, or comparable test upon return to the facility?			
18. Does standard procedure require the immediate return to the facility of any detainee who violates trip rules?			

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

NON MEDICAL EMERGENCY ESCORT

Verification Sources:

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

SOURCE	TIME	DATE	LOCATION
A. Written policy and procedures			
B. Review of past escorts			
C. Detainee and staff interviews			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

Remarks: *(Record significant facts, observations, other sources used, etc.)*

Auditor's Signature

Date