

## STANDARD 1.2

### TRANSPORTATION BY LAND

#### I. POLICY

The facility will take all reasonable precautions to protect the lives, safety, and welfare of detainees, officers, other personnel, and the general public during ground transportation.

Detainees in transit from one facility to another institution or jurisdiction will be transported in a safe and humane manner under the supervision of trained and experienced personnel. Accommodations shall be made for detainees with disabilities in accordance with the standard on “Identification, Assessment, and Accommodation of Detainees with Disabilities.” Accommodations shall be made for detainees with other special needs in accordance with security and safety needs and all applicable laws and regulations.

#### II. STANDARDS AND PROCEDURES

##### A. Transportation Planning

The facility administrator (or designee) has overall responsibility for all aspects of vehicle operations and is responsible for setting schedules and monitoring vehicular maintenance, making logistical arrangements to transport detainees, supervising and instructing personnel, and protecting detainee security. Before departure, plans shall be revised as necessary, based on weather and road conditions and any other relevant considerations.

Detainees should not be transported to/from any facility, including ICE/ERO detention facilities, unless a Form G-391, I-216, or I-203, or equivalent, is furnished to authorize the transportation. These forms must be properly signed and shall clearly indicate the name of the detainee(s), the place or places to be escorted, the purpose of the trip and other information necessary to carry out the detail efficiently.

When coordinating the transfer of detainees, originating facility staff shall electronically transmit a copy of Form I-216 or I-203, along with the following information about each detainee, to the receiving facility:

1. Name, date of birth, and sex;
2. Nationality;
3. A-number;
4. Health and general condition;
5. Special handling required, if any (violent, escape risk, medical, etc.);

6. Name and title of point(s) of contact at originating office; and
7. Property and baggage.

The receiving facility staff should confirm receipt of the documentation.

The following documents must accompany the transferee:

1. I-862, “Notice to Appear,” if applicable;
2. I-203, “Order to Detain or Release Alien,” if required by receiving facility;
3. I-216, “Record of Persons and Property Transferred,” with G-589 and I-77 attached (see also Standard 2.1 “Admission and Release”);
4. I-205, “Warrant of Deportation,” original copy, if applicable;
5. I-385, “Booking Card,” with photo attached;
6. Classification Sheet; and
7. Medical Transfer Summary.

Standard 7.2 “Detainee Transfers” requires a Medical Transfer Summary accompany the detainee. If official health records accompany the detainee, they are to be placed in a sealed envelope or other container labeled with the detainee’s name and A-number and marked “Confidential Medical Records.” Transportation staff may not transport a detainee without the documents required by Standard 7.2 “Detainee Transfers.” Staff is responsible for delivering all required documents and the transfer summary to personnel at the receiving facility.

If the above paperwork is incomplete at the time of departure, the facility must notify ICE/ERO to take corrective action.

## **B. Transporting Officer Responsibilities**

Transporting officers shall comply with all state and federal (including U.S. Department of Transportation (DOT), National Surface Transportation Board, and Environmental Protection Agency) motor vehicle regulations including, but not limited to, the following:

1. Wearing a seat belt when the vehicle is moving;
2. Holding a valid Commercial Driver’s License (CDL), if applicable, from the state where employed;

3. Transporting detainees in a safe and humane manner that accommodates detainees with disabilities;
4. Verifying individual identities and checking documentation when transferring or receiving detainees; and
5. Driving defensively, taking care to protect the vehicle and occupants; obeying traffic laws; and reporting damage or accidents immediately.

Driving under the influence of drugs or alcohol is prohibited.

**C. Vehicle Safety**

The officers shall secure the vehicle before leaving it unattended.

**D. Vehicle Operation**

The driver must have the appropriate driver's license issued by the state in which he or she is employed.

The driver shall operate the vehicle in accordance with state and federal law, including all limitations on hours and maximum driving times.

DOT regulations apply to all vehicles on U.S. highways, including those used to transport detainees.

**E. Pre-Departure Security Check**

The vehicle crew must be present to ensure a complete and thorough search of the vehicle and each detainee. The crew may take certain precautionary measures with a detainee identified as a special-handling case (such as those who pose security, medical, or mental health concerns) while searches are in progress. (See Standard 4.7 "Disability Identification, Assessment, and Accommodation.")

**F. Movement to Vehicles**

The escorting officer/assistant driver will instruct detainees about rules of conduct during the trip.

**G. Vehicle Occupancy Requirement**

The number of detainees transported shall not exceed the occupancy level for which the vehicle is rated.

## **H. Detainee Count and Identification**

Officers will confirm the identities of the detainees they are transporting.

## **I. Seating of Detainees**

The facility will develop written policy and implementing procedures governing the seating of detainees in transportation vehicles.

1. Officers will seat each detainee with particular attention to detainees with disabilities, and to those who may need to be afforded closer observation for their own safety. (See Standard 4.7 “Disability Identification, Assessment, and Accommodation.”)
2. The facility will establish separate procedures for transporting detainees whose physical or mental health conditions preclude prolonged travel.
3. In accordance with Standard 2.11 “Sexual Abuse and Assault Prevention and Intervention,” when seating detainees, the facility shall assess all detainees to identify those likely to be sexual aggressors or sexual abuse victims and shall seat detainees in a manner designed to prevent sexual abuse, taking necessary steps to mitigate any such danger.

## **J. Departure Scheduling and Security**

Before transferring detainees from one facility to another, a designated officer will contact the next receiving office or facility with the following information:

1. The estimated time of departure/arrival (ETD/ETA);
2. The number of detainees in each of the following categories: new arrivals (remaining at the facility); drop-offs; and overnights;
3. The total number of detainees;
4. Special-handling cases, detailing medications, accommodations, restraints, and other relevant details for each; and
5. Notification of any actual or estimated delays in departure, and the accordingly revised ETA(s).

## **K. Responsibilities En Route**

The receiving office serves as the contact point and is responsible for monitoring the vehicle’s schedule.

Upon making contact with the arriving vehicle, the receiving officers will certify they are taking custody of each detainee by signing the accompanying Form I-216.

Each office will develop and post written guidelines for locating an overdue vehicle. If the vehicle does not arrive within a specified time period of the ETA, the contact point will set the tracing procedures in motion.

**L. Stops**

During stops, when the detainees disembark, the transport officers will keep them under constant observation to prevent external contact(s) and/or contraband smuggling. At least one officer will remain in the vehicle when one or more detainees are present.

**M. Meals**

Water, meals, and snacks shall be provided during any trip that exceeds six hours in duration. Consideration shall be given as to when detainees last ate before serving meals and snacks.

Meals must satisfy the nutritional requirements of the sending facility. Special dietary needs should be identified before departure so suitable meals can be arranged.

**N. Vehicle Supervision**

The officers must maintain a clear view of the entire vehicle compartment and remain alert for behavior that could jeopardize safety and security.

**O. Vehicle Communication**

The vehicle shall have sufficient equipment to allow for continuous communication during transport.

**P. Vehicle Sanitation**

Vehicles must be kept clean and sanitary at all times. The facility will establish the procedures and schedule for sanitizing facility vehicles.

**Q. Officer Conduct**

Officers will comply with all rules and procedures governing use of government vehicles. They shall not transport any personal items other than those needed to carry out their assigned duties during the trip. Alcoholic beverages and illegal drugs are strictly prohibited.

## **R. Transfer of Funds, Valuables, and Property**

The personal property of a detainee transferring from one facility to another will be inspected and inventoried upon release and arrival by respective facility personnel. The lead driver will check the manifest against the number of packages by detainee name and A-number before signing the I-216 or placing the baggage on the bus.

The following procedures apply to transferring detainees:

1. At the originating facility, staff will ask whether the detainee has in his or her possession all funds, valuables, and other property listed on the I-216.
  - a. If the detainee answers “yes,” he or she may board the vehicle.
  - b. If the detainee claims missing property, including funds and valuables, he or she will remain at the facility until completion of the required paperwork (the SF-95 and I-387 or comparable forms). Photocopies of the completed forms are documentation sufficient for the delayed transfer to proceed.
2. The I-77 number(s) in the “checked baggage” section of the I-216 will identify the baggage to be verified by the receiving officer.

## **S. Officer Uniform and Equipment**

All officers transporting detainees shall wear the prescribed uniforms or other attire authorized by the facility.

## **T. Firearms Storage**

Firearms and weapons will be appropriately handled and stored.

## **U. Use of Restraints**

Officers shall use authorized techniques and sound correctional judgment when applying restraints. (See Standard 2.8 “Use of Force and Restraints.”) To ensure safe and humane treatment, the officers will check the fit of restraining devices immediately after application, at every relay point, and any time the detainee complains. Properly fitting restraints do not restrict breathing or blood circulation.

The officers will double-lock the restraining device(s). Under no circumstances will officers attach a restraining device to an immovable object, including, but not limited to, security bars, seats, steering wheel, or any other part of a vehicle. Officers carrying firearms shall exercise caution if close contact with a detainee becomes necessary.

The use of restraints for minors may be modified, as appropriate (e.g., restrained with hands in front instead of in back, use of no restraints).

A pregnant woman or woman in post-delivery recuperation shall not be restrained absent truly extraordinary circumstances that render restraints absolutely necessary, as documented by a supervisor and directed by the on-site medical authority. This general prohibition on restraints applies to all pregnant women in the custody of ICE, whether during transport, in a detention facility, or at an outside medical facility. Restraints are never permitted on women who are in active labor or delivery.

Restraints should not be considered as an option for pregnant women, except under the following extraordinary circumstances:

- a. A medical officer has directed the use of restraints for medical reasons;
- b. Credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or
- c. Reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.

In the rare event one of the above situations applies, medical staff shall determine the safest method and duration for the use of restraints and the least restrictive restraints necessary shall be used.

Even in the extraordinary circumstance when restraints are deemed necessary, handcuffing in the front should be used whenever possible to enable a pregnant detainee to break her fall, and no detainee known to be pregnant shall be restrained in a face-down position with four-point restraints, on her back, or in a restraint belt that constricts the area of the pregnancy. All attempts will be made to ensure the detainee is placed on her left side if she is immobilized.

The use of restraints requires documented approval and guidance from the on-site medical authority. Record-keeping and reporting requirements regarding the medical approval to use restraints shall be consistent with other provisions within these standards, including documentation in the detainee's detention and medical file.

## **V. Emergency Situations**

The facility shall establish written procedures for transportation officers to follow in an emergency occurring during transport. The written procedures shall cover scenarios including attacks, escapes, hostages, illness, death, fire, traffic accidents, vehicle failures, and natural disasters.

If an emergency occurs within a reasonable distance of an ICE/ERO office, the transportation officers will make every effort to reach that office before taking extraordinary measures. However, if moving seems ill-advised or impossible, they will

contact the office, stating their location and the nature of the problem so the office can provide/secure assistance as quickly as possible.

If the situation is life-threatening and the vehicle crew cannot afford to wait for help from an ICE/ERO office, immediate action shall be taken.

**W. Non-Medical Emergency Escorted Trips**

Facilities shall refer any request for a non-medical emergency escorted trip to ICE/ERO for consideration and approval.

**X. Transporting Minors, Females, and Opposite Gender Transports**

Minors shall be separated from unrelated adults at all times during transport and seated in an area of the vehicle near officers and under their close supervision.

Assigned transportation staff shall search a detainee of the opposite gender only in extraordinary circumstances and only when a same-sex officer is not available.

The facility administrator shall develop procedures for vehicle crews transporting females. Except in emergency situations, a single transportation staff member may not transport a single detainee of the opposite gender. In the case of individual transports, when transporting detainees of the opposite gender, assigned transportation staff shall call in their time of departure and odometer reading, and then do so again upon arrival, to account for their time.