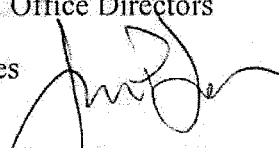




U.S. Immigration
and Customs
Enforcement

JAN 31 2008

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Field Office Directors
Deputy Field Office Directors

FROM: John P. Torres
Director 

SUBJECT: Update to the Detention and Deportation Officers Field Manual:
Appendix 16-4, Part 2;
Enforcement Standard Pertaining to the Escorting of Aliens

This memorandum supersedes the previous guidance and memorandum dated January 5, 2006, titled *Update to the Detention and Deportation Officers Field Manual: Appendix 16-4, Part 2; Enforcement Standard Pertaining to the Escorting of Aliens*, and establishes new procedures to the Enforcement Standard pertaining to the escorting of aliens in custody, Part 2 of Appendix 16-4 of the *Detention and Deportation Officer's Field Manual (DDFM)*.

The new policy has been revised to eliminate the requirement for same gender escort personnel and to allow discretion in making the final determination in assigning escort officers based on gender, while continuing to emphasize safety measures. Further, the medical escort policy has been revised pursuant to notification by the Division of Immigration Health Services (DIHS), Public Health Service (PHS) to U.S. Immigration and Customs Enforcement (ICE), Office of Detention and Removal Operations (DRO), that medical escorts will not involuntarily pre-medicate combative detainees solely to facilitate their removal from the United States where medication is not therapeutically indicated. Independent authority will be required for such pre-medication, pursuant to a judicial court order.

These revisions have been approved and must be implemented immediately.¹ All Field Office Directors must ensure that all officers under their jurisdiction receive appropriate notification and training to ensure understanding and compliance with these modifications.

Modifications made to the Escort policy are summarized as follows:

- All references to the term "sex" as related to personal description have been replaced by the term "gender."

¹ Reference Memorandum dated June 21, 2007 signed by John P. Torres, titled Medical Escort Policy. Reference Memorandum dated January 9, 2008 signed by John P. Torres, titled Amended Medical Escort Policy.

- Section VI.A. The phrases “upon receipt of direction and/or approval by supervisor to conduct the escort,” and “Except in emergency situations, such transports must be approved in advance by a supervisor” have been added to this section.
- Section IV.B. has been modified to address the gender discrimination issues related to escort officers.
- Section VI.D.2.b. has been modified to eliminate the required need for same gender escorts and gives discretion to the Classification Officer with concurrence and approval by a Supervisor (not lower than a Supervisory Detention and Deportation Officer (SDDO)) to assign same gender escorts on commercial aircraft, when sufficient justification exists .
- Section VI.D.3. has been modified to indicate additional threat factors to be considered when deciding to assign same gender escorts.
- Section VI.D.3.a. The Escort Determination Chart has been modified by adding criteria for decision making in determining assignment of escort officers.
 - Section VI.D.3.a (Class 1a) has been modified by placing unaccompanied juveniles into a new class descriptor (Class 1b).
 - Section VI.D.3.a (Class 1b) has been added to reflect that unaccompanied juveniles should be escorted by officers of the same gender.
- Section VI.D.3.b Escort Threat Assessment Tool
 - Part III. Special Concerns - has been modified by adding criteria for decision-making as to whether or not same gender escorts are needed.
 - Part VI. Final Class Descriptor - has been modified to indicate the number and gender of escorting officers.
- Section VI.D.8.e. removes language requiring same gender escorts on commercial airlines.
- Section VI.F.1. has been modified to indicate that medical escorts will not involuntarily pre-medicate combative detainees solely to facilitate their removal from the United States without a judicial court order.

Attachment: Revised DDFM Appendix 16-4; Part 2

ENFORCEMENT STANDARD

ESCORTS

I. PURPOSE:

This policy establishes guidelines for escorting persons detained under the authority of the Immigration and Nationality Act (INA) by Department of Homeland Security (DHS) personnel. Previously issued DHS, and legacy Immigration and Naturalization Service (INS), policy and guidelines on this subject are superseded by this policy, except the legacy INS Detention Standards dated September 20, 2000.

This policy applies to all DHS personnel who apprehend, take into custody, transport or otherwise detain persons, with or without warrant, as authorized in the INA, as amended and delineated in Title 8, Code of Federal Regulations (C.F.R.) while conducting Detention and Removal Activities.

II. AUTHORITY:

Title 8, United States Code, Section 1357 (INA §287), and Title 8, C.F.R., Section 287 (8 C.F.R. § 287).

III. POLICY/STANDARD:

It shall be DHS policy that:

- A. All detainees in DHS custody shall be escorted in a manner that is safe, secure, humane, and professional.
- B. All detainees will be escorted in accordance with classifications and procedures found within this standard. No detainee will be transported for any purpose without an assessment performed in accordance with the Use of Restraints standard.
- C. When escorting detainees, especially unaccompanied detainees of the opposite gender or juveniles, in DHS vehicles, all officers shall maintain regular radio and cellular telephonic communication with other DHS personnel, insofar as technologically possible and resources allow. Unaccompanied juveniles should not be transported in vehicles with detained adults except: (1) when being transported from the place of arrest or apprehension to a DHS office, or (2) where separate transportation would be impracticable. Where exception number one does not apply and separate transportation is impracticable, unaccompanied juveniles shall be separated from adult detainees during transportation by vehicle. Officers shall take necessary precautions for the protection of the well being of such juveniles when transported with adults.

- D. No detainee shall be transported without the assigned officer conducting his/her own search of the detainee's person, except when exigent circumstances pose a safety hazard or danger to the officer, detainee or public. In the latter case, a search shall be conducted as soon as practicable. A pat down search shall be the minimum search conducted. This includes officer-to-officer transfers, as well as transfers from an institution.
- E. Regardless of the means of transportation, no baggage, luggage or parcel shall be transported in a manner making it accessible by any detainee unless the item has been thoroughly searched by the officer transporting the detainee, except when exigent circumstances pose a safety hazard or danger to the officer, detainee or public. In the latter case, a search shall be conducted as soon as practicable.
- F. The passenger section of all empty DHS vehicles and immediate confinement areas shall be searched prior to, as well as following, each escort to ensure that no weapons or contraband have been hidden or left behind.

IV. RESPONSIBILITIES:

- A. DHS shall be responsible for identifying and providing approved restraints for use by all officers escorting detainees (Refer to the ICE DRO Use of Restraints Enforcement Standard).
- B. Managers and supervisors are responsible for determining the need for, number, and gender, of escorts required for any detainee based on the classification officer's recommendation in accordance with this standard and its classification system.
- C. It is the responsibility of supervisors and officers to convey all known information of escape risks, criminal background or involvement, potential threat to national security, violence, victim of sex crimes, or medical indications to escorting officers.
- D. Escorting officers have the responsibility to determine the need and level of restraints used at any time while escorting a detainee. Such determination shall be based on an articulated reason(s).

V. DEFINITIONS:

- Adult – A male or female person believed to be 18 years of age or older.
- Classification Officer – A DHS officer designated by a supervisor to determine the escort classification of a detainee while performing Detention and Removal activities.
- Contraband – Any item possessed by a detainee that is prohibited by the DHS or by law.
- Detainee – Any person, regardless of citizenship or nationality, under arrest, detained, restrained, escorted, or confined by DHS or any other law enforcement agency.

- **Escape Risk** – Any detainee who, in the belief of a DHS officer, may attempt escape from DHS custody if not otherwise prevented. An individual who will actively seek opportunities to escape from DHS custody.
- **Escort** – To transport or otherwise move any person detained under the immigration laws of the United States (8 U.S.C. § 1101 et.seq.).
- **Immediate Relative** – A person being one of the following to a detainee: spouse, parent, grandparent, child, sibling, aunt, uncle, or legal guardian. When applied to a juvenile, the immediate relative must be an adult.
- **Juvenile** – A person known or reasonably believed not to have reached his/her 18th birthday.
- **Medical Professional** – A licensed doctor, nurse practitioner, technician, or aide trained to treat, provide care, administer medication, or perform services specific to the medical needs of the person being escorted.
- **Officer** – Any officer or agent employed by DHS
- **Pat-down Search** – An examination in which an officer's hands briefly make contact with a detainee's body and clothing in order to detect and remove contraband and/or weapons.
- **Unaccompanied Female** – A female not in the company of an immediate relative.
- **Unaccompanied Juvenile** – A juvenile not in the company of an adult immediate relative.
- **Weapon** – Any object, item, or device that may be used to cause physical injury, incapacitate, or diminish capability, temporarily or permanently.

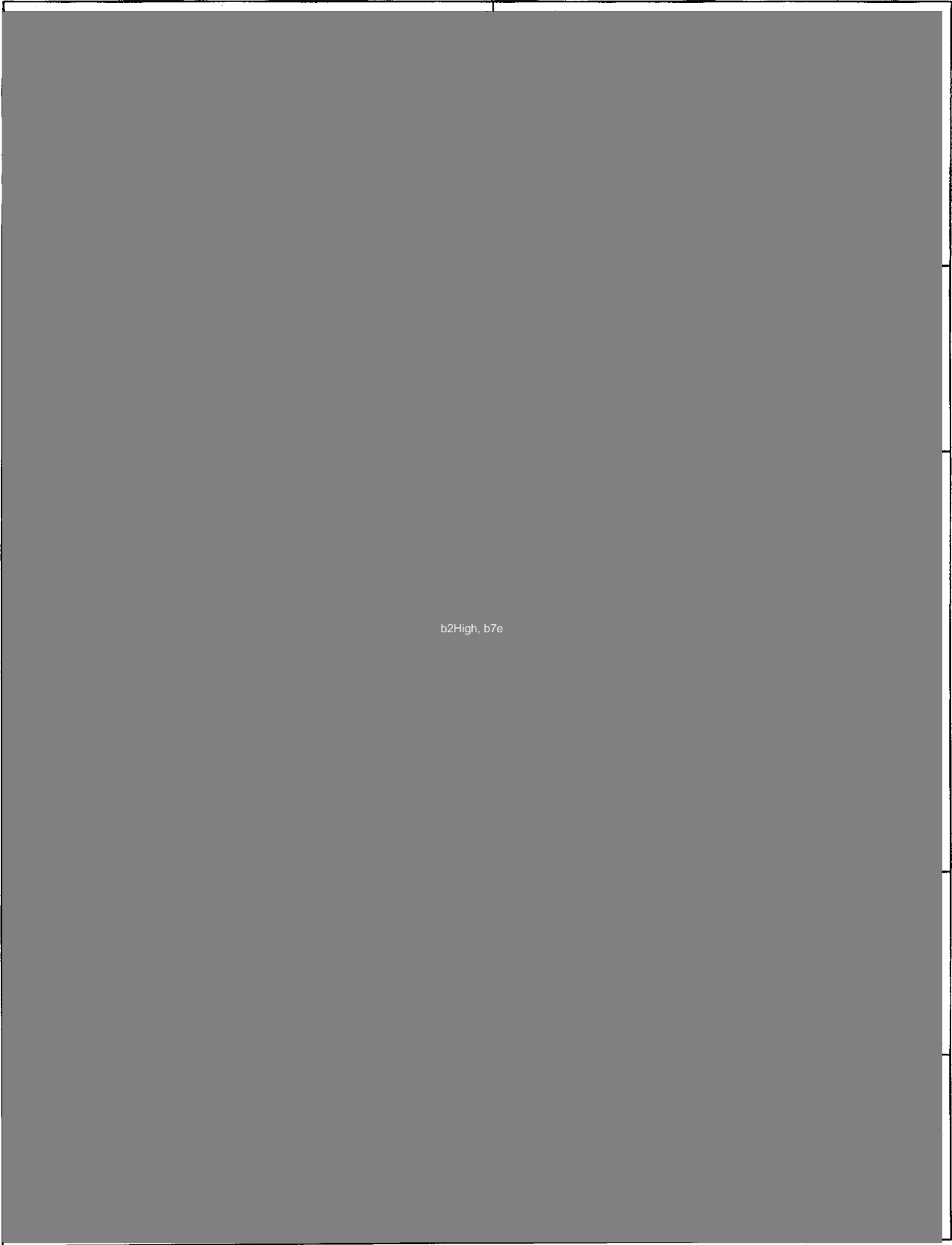
Note: these definitions are only for purposes of this Enforcement Standard.

VI. PROCEDURES:

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