




**U.S. Immigration  
and Customs  
Enforcement**

JUL 20 2004

**MEMORANDUM FOR:** Field Office Directors  
Deputy Field Office Directors

**FROM:** Victor X. Cerda   
Acting Director

**SUBJECT:** Use of Restraints

Detention and Removal Operations policy regarding the use of restraints on individuals is contained both in the use of Restraints Enforcement Standard and the Escorts Enforcement Standard. Standard III. C. requires that each officer will make an assessment of the detainee's risks to the public, the escorting officer(s), and him or herself, as well as the likelihood of absconding when determining whether to use restraints. This assessment will include, at a minimum, a review of the detainee's criminal violations (if any), aggressive or asocial behavior, suspected influence of alcohol or drugs, physical condition, sex, age, and medical condition. Officers should also take into consideration the nature of the assignment such as type of detainee, length of travel, destination, and exposure of the individual to the public. This is a reminder that only that amount of restraint needed to ensure the safety of the officer, the detainee, and the public and/or to prevent escape shall be employed.

As our current Escorts Enforcement Standard makes clear, transporting officers will not handcuff women or minors. When an officer determines that conditions warrant the use of restraints for members of a family unit, females or juveniles, the officer must be able to articulate the conditions that require the restraints, in accordance with Standard III. C. If an exception arises, the officer or contract guard will document the incident, recording the facts and reasoning behind the decision to use restraints. This is a restatement of our present policy.

In situations involving DRO contract guards supporting Customs and Border Protection (CBP), CBP Supervisors will make recommendations, based on articulable facts, on whether the individual should be restrained. DRO guards shall take that recommendation into consideration when making a determination. If the contract guard disagrees with the CBP supervisor, the guard should contact a DRO supervisor for review.

All Field Office Directors are tasked with ensuring that all officers and contract guards under their area of jurisdiction are aware of the standards relating to the proper use of restraints, the use of

restraints on women and minors, and the documentation requirements. Officers and contract guards shall be instructed to use authorized techniques and discretion when deciding whether to apply restraints.

Field Operations Directors are to acknowledge receipt of this memorandum and acknowledge that all officers under their jurisdiction are familiar with the policies referred to herein. Acknowledgements should be sent to [REDACTED] by cc:mail no later than July 23, 2004.

FOR [REDACTED] ONLY  
LAW [REDACTED] SENSITIVE