




U.S. Immigration
and Customs
Enforcement

January 9, 2008

MEMORANDUM TO: Assistant Directors
Deputy Assistant Directors
Field Office Directors
Deputy Field Office Directors

FROM: John P. Torres, Director 

SUBJECT: Amended Medical Escort Policy

This memorandum amends the June 21, 2007 Medical Escort Policy governing medical escorts for detainees who are removed from the U.S. by U.S. Immigration and Customs Enforcement (ICE).

Effective immediately, Detention and Removal Operations (DRO) Field offices may no longer request a medical escort from the Division of Immigration Health Services (DIHS) in order to administer involuntary sedation to facilitate an alien's removal unless the Government has obtained an order authorizing sedation from a Federal District Court. DIHS may only involuntarily sedate an alien to facilitate removal where the Government has obtained a court order as provided above. There are no exceptions to this policy. Emergency or exigent circumstances are not grounds for departures from this policy.

In seeking authorization to involuntarily sedate an alien for purposes of removal, the Government will ask the court to find that involuntary administration of the particular drug(s) to the particular alien is both necessary to effectuate removal and medically appropriate. In support of its application for a court order, the Government will offer evidence that the alien has a history of exercising physical resistance to being removed, or that the alien presents, or will likely present, a danger to himself or herself, or to others during the removal process. The Government will also present evidence from a medical doctor that administration of the particular drug(s) to the specific alien is medically appropriate. In such a proceeding the Government will recommend that the court appoint counsel for the alien, where the alien is not represented by counsel or is unable to retain counsel.

The Field Office must first request approval from the Detention Management Division's Unit Chief for DIHS to pursue a court order requesting authorization for involuntary sedation. The Field Office shall also coordinate with its corresponding Office of Chief Counsel and local United States Attorney's Office in applying for court authorization.

This policy applies whenever the Government seeks to remove an alien by aircraft, whether on a commercial, charter, JPATS, or other flight. This policy does not apply to aliens whose medication is administered pursuant to a previously prescribed course of therapeutic treatment.