

ICE/DRO RESIDENTIAL MANAGEMENT STANDARD

ADMISSION AND RELEASE

I. PURPOSE AND SCOPE. Residents are admitted to or released from a facility in a secure and orderly fashion.

II. EXPECTED OUTCOMES. The expected outcomes of this Standard are as follows:

1. Each adult resident will be searched upon admission to ensure facility safety, security, and good order.
2. Each minor resident will be searched upon admission using the least intrusive methods available.
3. Each resident's personal property and valuables will be checked upon admission for contraband which, if found, will then be inventoried, receipted, and stored.
4. Each resident's identification documents will be secured in the resident's file.
5. Each resident will be medically screened upon admission to protect the health of the resident and others in the facility.
6. Each resident will be given an opportunity upon admission to shower and be issued clean clothing, bedding, towels, and personal hygiene items.
7. Each resident will undergo screening interviews and complete questionnaires and other forms upon admission.
8. Each newly admitted resident will be kept separated from previously admitted residents until in processing is completed and housing is assigned.
9. Each newly admitted resident will be oriented to the facility through written material on facility policies, rules, prohibited acts, and procedures and, in some facilities, by viewing an orientation video.
10. Residents will be released, removed, or transferred from a facility only when staff have followed specified procedures and completed required forms.
11. The facility will maintain accurate records and documentation on all residents' admission, orientation, and release.
12. Where required, residents have regular access to translation services and/or are provided information in a language that they understand.
13. The standard complies with federal laws and with DHS regulations regarding residents with special needs.

III. DIRECTIVES AFFECTED

This Residential Management Standard is a new standard.

This Standard incorporates the **“Strip Search Guidelines for Admission to Detention Facility”** originally communicated via a Memorandum for Regional Directors dated 4/14/2003 from the Director, Office of Detention and Removal. These guidelines are revised to reflect that no minor may be strip searched. No adult resident may be strip searched without the expressed approval of ICE.

IV. REFERENCES

The First Edition National Residential Standards were written using a variety of methodologies including previous and current practices, review and comment from various subject matter experts, review and comment from various government and non-government organizations, and a review of current state codes in Pennsylvania and Texas. Each standard is written in a manner that affords each resident admission and continuous housing to a family residential facility in a dignified and respectful manner.

There are no specific codes, certifications, or accreditations that deal specifically with unique management requirements of families awaiting the outcome of their immigration proceeding in a non-secure custodial environment.

American Correctional Association 4th Edition Standards for Adult Local Detention Facilities: 4-ALDF-2A-08, 2A-17, 2A-19, 2A-20, 2A-21, 2A-22, 2A-23, 2A-24, 2A-25, 2A-26, 2A-27, 2A-28, 2A-29, 2A-30, 2A-32, 2A-33, 2C-03, 2C-04, 2C-05, 3A-01, 4B-02, 4B-06, 4C-29, 5B-18, 6A-05, 7D-11, 7D-20.

FLORES v. Reno

October 15, 2007, Memorandum from DRO Director John Torres, “Change Notice: Admission and Release- National Detention Standard Strip Search Policy.”

V. EXPECTED PRACTICES

1. Overview of Admission, Orientation, and Release

As detailed below, each facility is required to implement written policies and procedures for the intake and reception of newly arrived residents and to provide them information about facility policies, rules, and procedures. At intake, residents are searched or screened using metal detection equipment, and their personal property and valuables are checked for contraband. Residents are allowed to keep and utilize personal clothing or utilize clothing alternatives provided by the facility. Personal items and clothing not kept or allowed will be inventoried, receipted, and stored. Each resident’s identification documents are secured in the resident’s file. Medical screening protects the health of the resident and others in the facility, and the resident must shower prior to being admitted to the general population. Upon admission each resident is issued clean clothing, bedding, towels, and personal hygiene items.

Each new arrival undergoes screening interviews, and completes questionnaires and

other forms. For safety, security, and good order of the facility, each newly arrived resident is kept separated from the general population until he or she is assessed, classified, and housed accordingly.

Each new arrival is oriented to the facility through written material in the form of a handbook or equivalent, is appraised of the facility's rules and prohibited acts, and, in some facilities, may have an opportunity to view an orientation video.

Before a resident's release, removal, or transfer from a facility, staff must follow specified procedures and complete various forms.

2. Intake and Reception

a. Search of Resident

All residents shall be searched upon admission, in accordance with the Search Standard. Ordinarily, such searches shall include:

- 1) Screening with a metal detector,
- 2) A search of his or her clothing.

During admission to a facility, or at any time thereafter, pat-downs shall not be conducted on any resident unless a reasonable and articulated suspicion can be documented. No child resident under age 14 may be the subject of a pat-down search without the expressed authorization of the facility administrator or the assistant facility administrator.

A pat search (or "pat down") is an inspection of a resident, using the hands. The inspector uses his or her sense of touch when patting or running the hands over the clothed resident's body. It is considered the least intrusive of the body searches and should only be conducted by a staff member of the same gender.

A pat search does not require the resident to remove clothing, although the inspection includes a search of the resident's clothing and personal effects.

A hand-held and/or stationary metal detector shall be available and will be used in lieu of a pat search whenever possible.

Staff shall afford all residents a degree of dignity and respect. Residents shall be afforded privacy when changing and showering during admission. No resident will be strip searched absent articulable reasonable suspicion that the detainee is secretly concealing contraband on his or her person. Strip search of a resident in a family residential center shall not be conducted.

Minor residents shall generally not be pat searched unless they are 14 years or older and there is an articulable reason to conduct a pat search. Minors shall be screened only upon entry to the facility. Screening procedures for minors age 14 years or older may include the following:

- 1) Screening with a metal detector,
- 2) A search of his or her clothing.

- 3) A thorough pat down if articulated suspicion exists that the minor may be carrying contraband. Children shall never be separated from their respective parent[s] during the admission process unless shown that such separation is necessary to protect the child, or an immediate threat to the safety, security, and good order of the facility can be shown to exist.

All newly arriving residents shall be required to change into new clothing after arrival to the facility and prior to placement in general housing.

b. Search of Clothing and Personal Items

Staff shall focus search efforts on commonly used hiding and smuggling places, such as pockets, waistbands, seams, collars, zipper areas, cuffs, and shoe exteriors and interiors, including under the inner soles.

Staff shall also inspect all open containers, and inventory and store factory-sealed durable goods in accordance with facility procedures.

Items discovered during the search of a resident or his or her property shall be identified as:

- 1) Contraband and processed in accordance with the Residential Detention Standard on **Contraband**, or
- 2) Funds, valuables, or other personal property, to be kept in the resident's possession or inventoried, receipted, stored, or mailed to an address provided by the resident, in accordance with the Residential Detention Standard on **Funds and Personal Property**.

c. Visual Searches ("Strip Searches")

Staff shall not strip search a resident as part of the admission process. Should any conditions exist that staff feel would warrant a strip search of any individual in a family residential center, the resident will be taken to the admissions area until an interview can be conducted by ICE staff. Staff will utilize non-intrusive search methods such as a pat down. If it is determined that any resident may have a weapon or hard contraband on their person, upon authorization of the ICE Facility Administrator, an ICE/DRO Officer may move the resident to a private area for further search. A private area is defined as an area that affords privacy and where observation is limited to members of the same gender.

Upon establishment of reasonable suspicion that hard contraband is present on the person of a resident, staff must document the basis for that reasonable suspicion. Facts supporting a basis for reasonable suspicion may include the result of a metal detector screening, the results of an intake interview, reports from other detainees or witnesses, the results of a criminal history or national security database check, the presence of tattoos or some other articulable basis to believe that the detainee has a terrorist or gang affiliation, or any articulable behavior or gestures suggesting an attempt to conceal contraband.

Once this information is documented, the resident shall be moved to a private area, and required to surrender clothing to an officer of the same gender. The resident

shall change out into new clothing, however, shall not be required to remove undergarments unless the presence of contraband is noted and presents a clear and present danger to the staff member or resident.

Visual or strip searches may not be authorized or conducted without the expressed consent of the ICE facility administrator. A visual search or strip search shall only be conducted by two ICE Officers of the same gender as the resident and only in circumstances where it can be shown that a life or public safety issue is clearly established. A visual search or strip search may never be conducted on a child under age 14 without the authorization of the Field Officer Director or JFRMU.

In any instance where a parent must be searched, the search shall not be performed in the presence of any child. In any instance where a child must be searched, the parent must be present.

A visual search (or "strip search") is a visual inspection of all body surfaces and body cavities. The inspector shall not touch any skin surface of the resident. However, the inspector may request that the resident move parts of the body to permit visual inspection. It is considered more intrusive than a pat search and shall be made in a manner designed to assure as much privacy to the resident as practicable.

Such searches will be conducted in a manner that preserves the resident's dignity.

d. Showers

Every resident must shower (or be bathed if an infant or young child) before entering his or her assigned unit. During the resident's shower, an officer of the same gender shall remain in the immediate area but shall not observe the shower process.

e. Search of Baggage and Personal Property

In accordance with the Detention Standard on **Funds and Personal Property**, each facility shall have a procedure for inventory and receipt of resident baggage and personal property (other than funds and valuables, which are addressed below).

Identity documents, such as passports, birth certificates, and driver's licenses, shall be inventoried and given to ICE/DRO staff for placement in the resident's A-file.

Staff shall prepare an itemized list of the resident's baggage and personal property, using the Personal Property Inventory Form. If a resident has no baggage, staff shall use a facility container to store his or her personal property.

f. Missing Resident Property

When a newly arrived resident claims his or her property has been lost or left behind, staff shall complete a Form I-387, "Report of Resident's Missing Property." IGSA facilities shall forward completed I-387s to ICE/DRO.

g. Funds and Valuables

In accordance with the Detention Standard on **Funds and Personal Property**, each facility shall institute procedures for inventory and receipt of resident funds and

valuables.

h. Medical Screening

To protect the health of the resident and others in the facility, each facility shall medically screen each newly arrived resident, in accordance with the Detention Standard on **Medical Care**.

i. Establishment of a Resident Detention File

As part of the admission process, staff shall open a resident detention file that shall contain all paperwork generated by the resident's stay at the facility. Reference is made to the Detention Standard on **Detention Files**.

2. Clothing and Bedding

In accordance with the Detention Standard on **Clothing, Bedding, Towels, and Personal Hygiene Items**, staff shall issue those items that are appropriate for the facility environment and local weather conditions.

3. Housing

Staff shall use the documentation accompanying each new arrival for use in determining the most appropriate method for housing each family. ICE/DRO shall provide only the information needed for ensuring that family units classification.

Under no circumstances may non-ICE/DRO personnel have access to the resident's A-file.

The classification process determines the appropriate level of custody for each resident. Once this is established, staff can issue the resident clothing/wristband in the appropriate color for his or her classification level.

New residents shall remain separated from the general population during the admissions and orientation intake.

4. Admissions Documentation

An order to detain or release the resident (Form I-203 or I-203a), bearing the appropriate official signature, must accompany each newly arriving resident. Facilities shall forward the resident's A-file or temporary work file to the ICE/DRO office with jurisdiction. Staff shall prepare specific documents in conjunction with each new arrival to facilitate timely processing, classification, medical screening, accounting of personal effects, and reporting of statistical data.

The A-File or temporary work file must accompany the arriving resident, unless ICE/DRO and facility officials have authorized other arrangements.

Forms requiring completion include, but are not limited to, the Alien Booking Record (Form I-385); the medical questionnaire; the housing assignment card, and any others used by the booking entity.

5. Orientation

All facilities shall have a medium to provide ICE/DRO residents an orientation to the facility. Orientation procedures must be approved in advance by the JFRMU.

6. Resident Handbook

In accordance with the Detention Standard on **Resident Handbook**, each facility shall issue to each newly admitted resident a handbook (or equivalent) that fully describes all policies, procedures, and rules in effect at the facility.

If a resident does not understand the language of the handbook, the facility administrator shall provide a translator or may use a language line for orientation and scheduled meetings.

7. Releases

Staff must complete certain procedures before any resident's release, removal, or transfer from the facility. Necessary steps include completing and processing forms, closing files, fingerprinting; returning personal property; and reclaiming facility-issued clothing, bedding, etc. ICE/DRO shall approve release procedures.

The facility must identify and have in place all necessary procedures that ensure the completion of all paperwork, verification of the resident to be released or transferred, and shall document that all releases are properly ordered by ICE.

The facility shall ensure verification for residents to be released through the use of photos, biometrics, or other system designed to prevent the accidental release of residents.

Standard Approved:

John P. Torres
Director
Office of Detention and Removal

Date