

U.S. Customs and Border Protection

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U.S. CUSTOMS AND BORDER PROTECTION DIRECTIVE

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SUBJECT: SECURE DETENTION, TRANSPORT AND ESCORT PROCEDURES AT PORTS OF ENTRY

1. **Purpose** This directive establishes national policy for the temporary detention, transport and escort of persons by U.S. Customs and Border Protection (CBP).

This directive also establishes guidance on the temporary use of restraints for persons suspected of posing a threat to the safety of officers or others prior to the detection of a violation or subsequent arrest.

In addition, guidance for third party notifications, to include appropriate consular notification, is included in this directive.

2. **Policy**

2.1 The personal safety of officers, third parties and detainees is paramount during all aspects of CBP processing.

2.2 This policy shall pertain to all persons who are undergoing CBP processing, to include detention, transports and escorts of such persons. This includes, but is not limited to persons who are suspected of terrorist activity, are under arrest, are awaiting confirmation on National Crime Information Center (NCIC) warrants, are suspected as internal contraband carriers, or are aliens awaiting removal, transfer, referral, or other processing involved in a secondary inspection, e.g. fuel tank exams.

2.3 Detainees will be promptly processed and when necessary turned over to Immigration and Customs Enforcement (ICE), Detention and Removal Operations (DRO), the Office of Refugee Resettlement (ORR); the U.S. Marshals Service (USMS), or any other appropriate Law Enforcement Agency (LEA).

3. **Authorities/References** 19 United States Code (USC) §§ 482, 1461, 1581, 1582, 1589a; 8 USC § 1222, 1225, 1226, 1226a, 1357; Title 8 Code of Federal Regulations (CFR) Parts 232, 235, 236 and 287; The Immigration and Nationality Act (INA); Personal Search Handbook, CIS HB 3300-04B revised July 2004; Physical Security Handbook CIS HB 1400-02A; Commissioner's Situation Room Reporting, CBP Directive 3340-025C dated 01/28/2005; Responding to Potential Terrorist Seeking Entry Into the United States, CBP Directive 3340-021B, dated 09/07/2006; CIS HB 4500-01A Firearms and Use of Force Handbook; Firearms and

CBP Form 232C (04/03)

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Use of Force Training Policy Customs Directive 4510-017A, dated 12/17/2001; October 31, 2005 Memorandum of Understanding (MOU) Between the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS); Third Party Notification Memorandum; DHS Enforcement Standard, Detention Operation Manual; Title 14 CFR §1544.221(a)(3) Aircraft Operator Security: Air Carriers and Commercial Operators; Airport Technical Design Standards; Consular Notification Memorandum; Inspector's Field Manual (IFM), Chapter 17; *Flores v Reno* Settlement Agreement; Vienna Convention on Consular Relations (VCCR) .

3.1 **General** CBP officers have the combined statutory authority under Title 8 USC, the INA and Title 19 USC to search without a warrant, take sworn statements, and detain applicants for admission to determine their admissibility into the United States and detain persons suspected of violating the laws of the United States. In cases where removal proceedings are being initiated, a decision relating to the detention of the person must be made. In some cases the detention needed is only of short duration (i.e., waiting for departure of flight, or preparation of case file, etc.) and transfer to a long-term detention facility is not practical or reasonable. For purposes of this directive, during processing at a port of entry (POE), detention and custody begins when the traveler is referred to secondary.

4. **Definitions**

4.1 U.S. Customs and Border Protection Officer: An armed officer in the 1895 job series in uniform or approved for civilian attire by the Director, Field Operations (DFO), who is authorized to perform duties at any level of assignment within an area port or POE.

4.2 Agriculture Specialist: An officer in the 0401 job series in uniform who is qualified to make regulatory decisions concerning agricultural products under the law and regulations of U.S. Department of Agriculture (USDA) at any level of assignment within an area port or POE.

4.3 Absconder: A person who a CBP officer has both an opportunity and a reason to physically control but who is not prevented from escaping, evading, or fleeing detention by CBP regardless of whether the person is apprehended and/or returned to CBP custody. [Note: in the seaport environment an "absconder" is also defined as a crewmember that has been refused a landing permit and ordered detained on board, and who departs the vessel without permission. A "deserter" is a crewmember who has been granted D-1 or D-2 status and a landing permit, and who does not depart when required.]

4.4 Adult: A person known or reasonably believed to be 18 years of age or older.

4.5 Attended Area: A location where a person is in the physical presence of a CBP employee or contracted employee.

4.6 Contraband: Any item possessed by a detainee that is prohibited by CBP or by law.

4.7 Detention: Restraint from freedom of movement. Physical restraint is not an essential element of detention.

4.8 Detention Cell: A secure location that may be unattended, for the purpose of separating a detainee awaiting transfer to another detention facility or LEA, and/or to ensure the safety of the traveling public and CBP employees.

4.9 Detainee: Any person regardless of citizenship or nationality who is detained by CBP or any other law enforcement agency.

4.10 Escape Risk: Any detainee who, in the belief of a CBP officer, may attempt to abscond from CBP custody if not otherwise prevented. Also, any individual who has actively sought or may actively seek opportunities to escape from CBP custody.

4.11 Escort: To transport or otherwise move any person detained by CBP.

4.12 Hold Room: An area at a POE in which detained persons may be temporarily held pending secondary processing, i.e., vehicle examination, processing of documents, interviews, etc. Detention of a person in a POE hold room shall be for the least amount of time necessary to complete CBP processing.

(b) (7)(E)
(b) (7)(E)

4.13 Immediate Patdown: A search for officer safety. The scope of an immediate patdown shall be limited to those areas on a person where an officer suspects a weapon or dangerous object may be concealed. There may be cases where it is necessary to search the entire person to ensure a weapon and/or a dangerous object is not present. This may include the removal of a person's shoes or boots to ensure there is no weapon present. The immediate pat down can be conducted without prior supervisory approval and on persons of the opposite gender.

4.14 Juvenile/Minor: A person known or reasonably believed to be under 18 years of age.

4.15 Long-term detention: Detention that requires the person to be turned over to another LEA due to the need for continued detention or processing beyond the capability of POEs. This includes actions taken on behalf of another agency (e.g., National Crime Information Center (NCIC) warrants).

4.16 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/detained.

4.17 Personal Search: A search for merchandise, including contraband, weapons, or documents suspected to be hidden in the clothing a person is wearing or on/in his/her body.

4.18 Port Runner: A person or vehicle that fails to stop, attempts to evade, or bypasses CBP inspection when entering or exiting the United States through the port of entry. A port runner may be (b) (7)(E) unless circumstances indicate otherwise.

4.19 Probable Cause: A reasonable ground to believe that a person has committed a crime or is committing a crime or that a place contains specific items connected with a crime; more than a reasonable suspicion but less than evidence that would justify a conviction (e.g. beyond a reasonable doubt).

4.20 Reasonable Suspicion: A particularized and objective basis supported by specific and articulable facts for suspecting a person of criminal activity.

4.21 Search Room: A private designated location that is designed for extensive search of a person and that prevents all but necessary personnel from viewing the subject. A POE search room may serve as a temporary hold room when separation from others or extra room is needed.

4.22 Secure Area: An area, such as a detention cell, search room, or interview room, where an individual is detained for a temporary period of time out of public view and where the likelihood of escape is minimized because there is no means of egress available to the individual. [NOTE: While the entire Federal Inspection Services (FIS) area in the air/sea environment is considered to be secure, these areas provide a heightened security area.]

4.23 Secured Vehicle: A conveyance that is equipped with a security cage or other security measures that separates detainees from officers, and limits detainee egress from the vehicle.

4.24 Short-term Detention: The temporary detention of a person at a POE while a case is being processed administratively or prepared for presentation for prosecution; pending parole, release, departure from the United States, or transfer of custody to another agency; or while CBP arranges for long term detention. Short-term detention begins when a person is referred by an officer for further inspection and may take place in a secondary inspection area, POE hold room, or any other designated and/or assigned secure area, generally for less than 24 hours (for the least amount of time necessary to complete processing).

4.25 Temporary Holding Area (THA): A designated area where low-risk administratively inadmissible aliens may be held pending departure at air and sea POEs.

4.26 Transport: To physically move a detainee using a vehicle beyond the confines of the POE.

4.27 Unattended Area: An area where a detainee may be out of view of an officer. This may or may not be a secure area

4.28 Unsecured Vehicle: A conveyance that is not equipped with security measures to separate detainees from officers.

4.29 Weapon: Any object, item, or device that may be used to cause physical injury, incapacitate, or diminish capability, temporarily or permanently.

5 **Responsibilities**

5.1 The Assistant Commissioner, Office of Field Operations, is responsible for policy oversight, which includes the formulation and implementation of guidelines and procedures.

5.2 Directors, Field Operations (DFOs) and Port Directors (PDs) are responsible for managing the implementation of this program and monitoring compliance with the procedures to ensure uniformity of application.

5.3 PDs are required to develop, implement, and update any necessary port specific procedure to ensure proper implementation of this directive.

5.4 PDs are responsible for ensuring that all (b) (7)(E) reports (b) (7)(E) (b) (7)(E) detention logs, and any other reports pertaining to detentions are completed and reviewed. The reviews will determine the effectiveness of the procedures contained within this Directive as well as how well they are carried out.

5.5 Supervisors are responsible for ensuring that CBP officers under their direction are familiar with and adhere to the guidelines set forth in this Directive.

5.6 It shall be the responsibility of managers and supervisors to provide officers with the appropriate restraining devices, including keys and tools necessary to release detainees.

5.7 It is the responsibility of managers, supervisors, and officers to convey all known information of escape risks, criminal background or involvement, violence or medical conditions/indications to escorting officers. When a detainee presents a known escape risk, supervisors shall utilize additional safety measures such as additional escorts, additional restraints, or other measures as deemed necessary.

5.8 The U.S. Customs and Border Protection Basic Officer Training Academy is responsible for incorporating this Directive into the appropriate training programs.

5.9 PDs are responsible for identifying and ensuring that CBP officers under their direction are familiar with the areas that have been designated as detention cells, search rooms, or holding rooms. Dual designation of a particular room is authorized, i.e., a detention cell may also be used as a search room.

5.10 The DFOs or their designees shall develop local procedures in writing for authorization and arrangement for detention and transfer procedures.

5.11 PDs are responsible for coordinating with local DRO and/or Contract/IGSA facilities to determine local protocol, procedures and forms required to book a detainee into a formal detention facility. These procedures shall be documented in local Standard Operating Procedures.

5.12 PDs should establish local written procedures for escorting officers to follow in an en-route emergency.

6 Determination to Detain

6. Priority of Detention. In cases where it is not possible to detain every person in a POE secure area, persons should be detained according to the following priority:

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

7 Duration of Detention

7.1 Short-term detention begins when a person is referred by an officer for further inspection and may take place in a secondary inspection area, POE hold room, or any other designated and/or assigned secure area, generally for less than 24 hours (for the least amount of time necessary to complete processing).

7.2 Normally, a person may be held in a secure area at a POE for 24 hours. However, this does not limit POEs from extending detention due to operational needs. When long-term detention is required or when it is necessary to turn the person over to another LEA, every effort will be made to transfer or transport those persons in custody as quickly as is operationally feasible.

7.3 The PD will be notified of all detentions that reach or exceed 12 hours.

7.4 The DFO must be notified through the chain of command, if the detention period at the POE extends to 24 hours or more.

7.5 The PD and/or the DFO must be notified of any event or incident which may be politically sensitive to the U.S. or a foreign government to include searches and detentions of persons claiming diplomatic immunity or special status, potentially sensitive requests for asylum made to CBP officials, actions involving foreign or U.S. government officials, government representatives, or prominent foreign nationals and/or any event or incident that has or may result in significant media attention.

7.6 A person placed in an unattended secure area will be visually checked every 15 minutes or more often, as the situation requires. Monitoring detainees by closed circuit television does not replace the need for a physical check of the secure area.

8 Exceptions to Detention in POE Hold Rooms

8.1 Officers shall be sensitive to detained persons who are (b) (7)(E)
(b) (7)(E)

8.2 For humanitarian reasons, secondary processing for those persons listed above shall be expedited as quickly as operationally feasible, in order to minimize the length of detention.

8.3 Generally, no one who is (b) (7)(E)
(b) (7)(E) shall be detained in a secure area (e.g. detention cell) within a POE. They should be seated in the secondary area under direct supervision and control of an officer or contracted guard services. The determination to place these persons in a hold room should be made on a case by case basis. Some factors that should be considered when making this decision are
(b) (7)(E)

8.4 All detention options should be considered when detaining (b) (7)(E)
(b) (7)(E) These detainees may be placed in a secure area (e.g. detention cell or hold room) within a POE based on the totality of the circumstances. Normally, such persons should be (b) (7)(E)
(b) (7)(E)

NOTE: CBP officers will treat minors with dignity, respect and special concern for their particular vulnerability. Officers will place each detained minor in the least restrictive setting appropriate to the minor's age and special needs, provided that such setting is consistent with the need to ensure the minor's timely appearance and to protect the minor's well-being and that of others. Officers shall not release a minor to any person or agency that they have reason to believe may harm or neglect the minor or fail to present the child for any proceedings.

8.5 In cases where family units are encountered but only the parent or legal guardian is detained, the totality of the circumstances will dictate whether he/she should be separated from a juvenile who is not detained. Normally, CBP will strive to keep family units together; however, there may be times when it is necessary to separate juveniles from the parent(s) and/or legal guardian(s). When it is necessary to separate a juvenile from his/her parent or legal guardian, CBP must ensure that the provisions of the *Flores v Reno* Agreement are followed.

NOTE: United States citizens cannot be detained in a Detention and Removal Operations (DRO) facility. U.S. citizen children of alien parents will not be housed in DRO facilities.

8.6 Males and females shall be segregated at all times when in a POE detention cell (even if they claim to be married). Under no circumstances are detained persons under the age of 18 to be held with adult detainees, unless the adult is an immediate relative or recognized guardian who has been charged with the care and custody of the minor, and no other adult detainees are present in the area. Special treatment of juveniles is of paramount importance. [See section 9.7 of this chapter regarding Juvenile Detention Procedures.]

8.7 Temporary Holding Areas (THA) are for low risk administratively inadmissible aliens that may qualify for discretion. POEs in the air and sea environment with a high volume of adverse actions are encouraged to establish a THA that can serve as a holding area for such persons.

8.7.1 THAs may be utilized for aliens that meet (b) (7)(E) THAs shall not be utilized to hold (b) (7)(E) (b) (7)(E) (b) (7)(E)

8.7.2 Only aliens that are (b) (7)(E) and who (b) (7)(E) (b) (7)(E) may be allowed to wait in a THA. The Field Offices will have discretion to accommodate passengers whose departure flights are beyond 24 hours from the time that detention began. Family units and juveniles may be held in this area. POEs must maintain established standards for the care and custody of unaccompanied minors.

8.7.3 Field Offices are encouraged to work cooperatively with port authorities to establish THAs in those POEs with a demand for such an area. However, some POEs will be able to accommodate this short term need in existing areas.

8.7.4 It is essential that POEs utilize this discretion wisely to balance what will best suit the needs of the detainee within the requirements of CBP.

8.7.5 Direct supervision and control of detainees must be maintained at all facilities that do not have secure areas.

9 Procedures

9.1 Master Detention Log: Port Directors will ensure that each POE maintains a detention log (manually or electronically) for all detainees placed in an unattended secure area. The officer

processing the case shall enter the information relating to each detainee immediately upon placing him/her in an unattended secure area. For uniformity purposes, the attached Master Detention Log will be used at all locations for each unattended secure area and will contain an entry for each person detained. The Master Detention Log will be maintained at the POE (b) (7)(E)

(b) (7)(E) For uniformity purposes, the Master Detention Log is attached. The Master Detention Log will contain the information listed below:

- (a) Name of the person detained
- (b) Date of Birth (DOB)
- (c) Date and Time placed into unattended secure area
- (d) Date and Time removed from unattended secure area
- (e) Officer's name
- (f) Supervisor's name

9.2 Personal Detention Log: This log contains more detail and will be utilized for each person placed in an unattended secure area. This log will be maintained (manually or electronically) upon placing the person in an unattended secure area and until the person is released from CBP custody. When the person is released, removed from the United States, or turned over to another agency, the Personal Detention Log will be closed out and maintained at the POE (b) (7)(E)

(b) (7)(E) For uniformity purposes, the form is attached. The Personal Detention Log will contain the information listed below:

- (a) Name of the person detained
- (b) Date of Birth (DOB)
- (c) Race
- (d) Gender
- (e) Reason detained
- (f) Officer's name
- (g) Approving Supervisor's name
- (h) Time and Date placed into unattended secure area
- (i) Time and Date removed from unattended secure area
- (j) (b) (7)(E) Number
- (k) Final Disposition/Agency turned over to
- (l) 15 minute interval checks
 - 1. Physical/Mental observations (e.g. sleeping)
 - 2. Officer's initials and time of check
 - 3. Meals offered/eaten/declined

9.3 Detention Cell Monitoring: Officers shall closely supervise detention cells at the POE when in use. Officers shall monitor individuals placed into an unattended secure area at least every 15 minutes, noting in the log the time and officer's initials and the physical/mental observations of the detainee in the corresponding area. If restrooms are not incorporated into the secure area, supervisors must ensure that an officer is within visible or audible range of the secure area to allow detainees regular access to restrooms.

9.4 Individual Caution Sheet: An Individual Caution Sheet will be generated and visibly posted

near the entrance to the detention cell or in the secure area for those detainees (b) (7)(E)
 (b) (7)(E) The sheet will be maintained until the detainee is released from CBP custody. The fact that there is a detainee with a Caution Sheet will be communicated to all CBP officers during shift change briefings/musters. The Individual Caution Sheet must accompany an alien being transferred to a formal Detention Center. When a detainee is released or turned over to another LEA, a copy of the Individual Caution Sheet will be attached to the relating Personal Detention Log to be maintained (b) (7)(E)
 (b) (7)(E) For uniformity purposes, the form is attached. At a minimum, the Individual Caution Sheet will contain the information listed below, to flag a detainee's
 (b) (7)(E)

- (a) Name of the person detained
- (b) Date of Birth

(b) (7)(E)

9.5 Medical: Whenever a CBP officer has reasonable suspicion that a person has (b) (7)(E)
 (b) (7)(E) CBP must notify the (b) (7)(E)
 (b) (7)(E) CBP will assist the (b) (7)(E) in the execution and enforcement of (b) (7)(E) If a person is detained based on (b) (7)(E) an Individual Caution Sheet shall be generated. In detaining and transporting persons suspected of (b) (7)(E) (b) (7)(E) follow locally established guidelines (e.g., (b) (7)(E) .

9.5.1 All persons placed in an unattended secure area at a CBP facility will be asked whether they have a medical problem or conditions that may require medical attention. (b) (7)(E)

(b) (7)(E)

(b) (7)(E) An Individual Caution Sheet shall be generated.

9.5.2 CBP officers will not administer or assist (b) (7)(E)

(b) (7)(E)

(b) (7)(E) Administration of prescribed medication, medical assistance, or refusal of the same, will be noted in the Individual Caution Sheet.

9.5.3 Officers will closely monitor and if possible segregate any detainee exhibiting signs of

(b) (7)(E) In such cases, the officer will notify the shift supervisor and execute the Individual Caution Sheet. The Individual Caution Sheet must accompany the detainee when transferred to another facility.

9.5.4 Appropriate emergency services will be called immediately in the event of (b) (7)(E) (b) (7)(E) (i.e., (b) (7)(E)) during the detention of any person.

9.5.5 CBP officers must notify the shift supervisor of all (b) (7)(E) as soon as possible after contacting (b) (7)(E)

9.5.6 If a detainee is transferred for medical treatment, (b) (7)(E) shall accompany the detainee and remain with the detainee until medical authorities determine whether the situation will require hospitalization or continued medical care. However, (b) (7)(E) shall accompany any detainee if the medical transfer is a result of (b) (7)(E). Refer to Chapter 5 of the Personal Search Handbook for details concerning medical transfers in conjunction with a personal search.

9.5.7 If a detainee transferred for medical treatment will not be hospitalized, (b) (7)(E) must remain with the detainee until medical treatment is completed and then escort the detainee back to the POE.

9.5.8 If the detainee is hospitalized, (b) (7)(E) shall notify the shift supervisor and await further instructions.

9.6 Asylees: When an asylum applicant is encountered, CBP officers will transfer the applicant to a secure, attended, or unattended area as appropriate and an Individual Caution Sheet will be generated. Asylum applicants (b) (7)(E) f operationally feasible. Asylum applicants (b) (7)(E) unless otherwise warranted by their behavior. Officers should take note of (b) (7)(E) (b) (7)(E) in determining the level of detention required. Note: An Individual Caution Sheet is not necessary for (b) (7)(E) that file an Asylum claim unless there is a requirement for long term detention or he/she will be placed in a secure area within the POE.

9.7 Juvenile Detention Procedures: Special care must be exercised when processing and detaining persons under the age of 18. The CBP policy is outlined in 8 CFR § 236.3 and must be strictly followed. [See IFM chapter 17.15 (f), Special Treatment of Minors]

9.7.1 The Office of Refugee Resettlement (ORR) Health and Human Services (HHS) has assumed the authority for decisions related to the care and placement of unaccompanied alien children detained in long-term federal custody. All Ports of Entry shall coordinate the placement of unaccompanied alien children with ICE/DRO. Currently, the POE contacts the ICE/DRO Field Office Juvenile Coordinator (FOJC) who coordinates placement of the juvenile in a facility designated by ORR.

9.7.2 When it is determined that an unaccompanied alien juvenile requires detention, CBP must immediately contact the ICE/DRO FOJC to obtain pre-authorization to place the unaccompanied alien child with ORR. CBP must obtain pre-authorization regardless of the amount of anticipated time in detention. Officers must provide the FOJC with the following information for the juvenile:

- Name
- Aliases (if any)

- Alien Registration Number
- Country of Citizenship
- Sex
- Date of Birth
- Age
- Date of entry
- Place of entry
- Date of custody
- Criminal background (if any)

9.7.3 At all stages of CBP processing, officers shall take precautions to ensure that all juvenile's rights are protected and that he or she is treated with respect and concern. Any detention at the POE must be in accordance with the *Flores v. Reno* settlement. [See IFM Appendix 17-4, policy memorandum discussing Flores settlement.]

9.7.4 Officers will place each detained juvenile in the least restrictive setting appropriate to the juvenile's age and special needs, provided that such setting is consistent with the need to ensure the juvenile's timely appearance and to protect the juvenile's well-being and that of others.

9.7.5 All detention options must be considered when detaining unaccompanied alien juveniles. Normally, they should be seated in the secondary area or the THA, segregated from other members of the public, under direct supervision and control of an officer. These detainees may be placed in a secure area (e.g. detention cell or hold room) within a POE based on the totality of the circumstances.

9.7.6 Minors will have access to restrooms, drinking water, food, and medical assistance if needed.

9.7.7 Minors should NOT be restrained unless (b) (7)(E)
(b) (7)(E)

9.7.8 Minors will be allowed reasonable access to their parents or legal guardians if the supervisor believes it will be constructive. However, parent(s) or legal guardian(s) will not be allowed to inflict corporal punishment upon juveniles while in the custody of CBP.

9.7.9 Unaccompanied minors must NOT be held with unrelated adults.

9.7.10 Officers shall not release a minor to any person or agency that they have reason to believe may harm or neglect the minor or fail to present the child for any proceedings. Officers shall ensure that the person who accepts custody of the child completes the Custodial Sponsor Release Agreement (Attached) before relinquishing custody. (b) (7)(E)
(b) (7)(E), no form is necessary.

9.7.11 In situations where a female is nursing an infant, the infant will not be removed from the care of the mother (unless she poses a danger to the child). If a mother and infant must be separated for safety purposes, a social service worker may need to be contacted to take custody of a U.S. citizen child. Alien children who must be separated from the family unit become

unaccompanied alien minors and treatment is guided by the *Flores v Reno* Settlement.

9.8 Meals: Funding for meal service is NOT discretionary and is the responsibility of the local office through the DFOs. Officers shall provide a meal to any person, whether in a hold room or not, who is detained more than 6 hours (including secondary time or case preparation time). Juveniles, small children, toddlers, babies, and pregnant women shall have access to snacks, milk, or juice at all times. Regardless of the time in custody, officers shall provide a juvenile with meal service. In cases where an adult detainee requests a snack or meal due to (b) (7)(E) before the next meal service, the officer shall accommodate the request. Officers should be sensitive to culinary cultural/religious dietary restrictions and/or differences of all detainees whenever feasible. A record of what type of meal is given to each detainee shall be logged. For a person detained in an unattended secure area, time of feeding or declination of a meal shall also be noted in the Personal Detention Log.

9.9 Drinking Water: Drinking water shall be available for detainees requesting water, using disposable cups or bottled water. It is the responsibility of the supervisor to ensure that drinking water is available.

9.10 Restrooms: Access to restrooms shall be available to any detainees in a hold room, THA's or in the secondary inspection area. Detainees using restrooms shall have access to toilet items such as soap, toilet paper, feminine hygiene items, diapers, and wipes. Detainees using restrooms shall be closely monitored, under direct supervision. Access to restroom facilities may be restricted if the detainee is suspected of being an internal carrier.

9.11 Telephone/Notification: In certain circumstances, it may be necessary for CBP officers to notify outside individuals when detaining a person for further processing. Below are the guidelines for notification.

9.11.1 Consular Notification: The Vienna Convention on Consular Relations (VCCR), of which the United States is a signatory, is a multilateral treaty regarding the arrest, detention, death, guardianship or trusteeship of foreign nationals. The VCCR requires that foreign nationals (including Lawful Permanent Residents) who are arrested or detained be advised of the right to have their consular officials notified of that fact "without delay," e.g. as soon as it becomes feasible. The notification to consular officials should be made within 24-72 hours of the arrest. An alien who is (b) (7)(E) is not normally considered to be detained within the meaning of the VCCR.

9.11.1.1 If the removal of any alien cannot be *completed* in 24 hours or the alien is turned over to another agency, CBP officers shall notify the alien of his or her right to communicate by telephone with the consular or diplomatic officers of his or her country of nationality. This notification shall be annotated on Form I-213. Additionally, aliens deemed inadmissible who request to communicate with their consular officers or diplomatic officers, regardless of the period of time the alien has been/will be detained at the port of entry, should be allowed access to communicate with these entities. These communications may not influence CBP's determination of admissibility, nor should they be used as a means to delay departure/removal from the U.S. or other disposition.

9.11.1.2 In the cases of certain nationalities, if the alien will be detained longer than 24 hours or the alien is turned over to another agency, existing treaties and CBP policy require that CBP notify the appropriate consular or diplomatic officers about the alien's detention, even if the alien requests that this not be done. For the list of applicable countries, see 8 § CFR 236.1(e) or the use the following link to the Department of State website:
http://travel.state.gov/law/consular/consular_745.html.

9.11.1.3 Officers shall not mention any asylum claim or fear of persecution or torture expressed by the alien when contacting a consular official, nor shall they indicate the nature of the proceedings against the alien.

9.11.1.4 When CBP detains foreign nationals for other than admissibility related issues, the secondary supervisory CBP officer or CBP enforcement officers must coordinate consular notification. If the agency that CBP turns the alien over to confirms that it will make the consular notification, that agency's point of contact and phone number will be annotated in the (b) (7)(E) report. If the receiving agency will not make the notification, CBP will create and maintain records sufficient to verify compliance with notification requirements. These records will document all foreign national advisements and notifications to foreign consular representatives, including the time and date the foreign national was advised of the right to consular notification, whether or not the foreign national requested consular notification, and the time and date of any such notification.

9.11.2 Notification for Detainees in Baggage Control Secondary. Detailed directions for notification requirements can be found in Chapter 2 of the Personal Search Handbook. Below are some of the policy guidelines and procedures for notifications relating to baggage control detention at the border and functional equivalent of the border (POE).

9.11.2.1 Any person detained for more than two hours after a personal search is conducted will be given the opportunity to have OFO personnel notify someone, including an attorney, of his or her delay unless probable cause has been established. The two hour notification process is only used during a continuation of the personal search process. Officers will utilize Attachment 2 of the Personal Search Handbook to complete the notification.

9.11.2.2 When the two hour notification period has elapsed, the supervisor will notify the ICE duty agent and/or a CBP enforcement officer prior to the notification. The detainee will not be given the opportunity to consult with an attorney at any time before Miranda warnings are required and such right is invoked by the detainee.

9.11.2.3 The PD must be notified of any prolonged detention (lasting 8 hours or longer). The PD (GS-13 or above) Acting PD, or DFO must consult with the appropriate Associate or Assistant Chief Counsel for legal advice during normal working hours. If the consultation occurs after normal working hours, the PD, Acting PD or DFO will contact the Situation Room who will provide local management with an on-call attorney from the Office of Chief Counsel. PDs are not required to consult with counsel prior to moving a traveler (b) (7)(E)

(b) (7)(E)

9.11.2.4 When a person has been detained for 8 hours from the time that supervisory approval was first given for any personal search or that a personal search was initiated, the ICE duty agent and/or a CBP enforcement officer will contact the U.S. Attorney's office.

9.11.3 Notification for Detainees in Passport Secondary. Any person administratively detained for more than 3 hours pending a determination of the person's admissibility will be given the opportunity to have someone notified of the delay. Notification will also apply when an inadmissibility determination has been made and an adverse action has been initiated before the 3-hour mark.

9.11.3.1 Notification procedures do not apply to detainees held for criminal prosecution, terrorist-related proceedings or for those aliens that were previously convicted and are subject to removal based on the conviction. Nor do notification procedures apply for those referred for "soft" secondary processing (e.g. immigrant visas, refugee processing, waivers, paroles, NSEERS) where the expected outcome is that the person will be admitted upon the completion of the processing.

9.11.3.2 The 3-hour notification requirements begins at the time the person is referred to secondary for immigration administrative admissibility processing as indicated by (b) (7)(E). When the 3-hour notification period has elapsed, case officers will offer to notify someone on behalf of the detained passenger. The case officer will also notify the supervisor of the 3-hour notification requirement.

9.11.3.3 The detainee must provide officers with a name and telephone number of the person to be contacted. Officers will attempt (b) (7)(E) to the contact given by the detainee. The officer will annotate the contact results in the manner outlined below.

9.11.3.4 The officer making the notification will utilize the provided script (Attachment: Contact Advisory of CBP Detention). For privacy and safety concerns, specific information regarding the detainee will not be released. If the detainee elects to decline notification, the detainee should complete and sign the attached CBP Declination of Notification Procedure. If the detainee refuses to sign the form, officers shall annotate the signature block with "Refused to Sign." If no one or a machine answers the phone, the officer will annotate the contact form and the Form I-213 as such.

9.11.3.5 All actions must be annotated on the Form I-213 in (b) (7)(E) if generated. Officers must include the name and number of the person and time contacted. If the detainee declines notification, the Form I-213 will be so annotated. If the detainee is subsequently admitted and no (b) (7)(E) record is generated, the secondary inspection record in the (b) (7)(E) record shall include the aforementioned information.

9.11.4 Dependent upon the length of detention and security risks, the supervisor will determine whether or not a detainee will be allowed to communicate by telephone or in person with any other person, including consular officials. [See IFM chapter 17.15(b)(7) and 8 CFR § 236.1(e).]

9.12 **Detention Cells:** The secure area where the detained person is placed must be cleared of all items that could be used as a weapon, to facilitate an escape, or to do bodily harm to the detainee or others. This includes (b) (7)(E) Weapons or improvised weapons may pose a significant risk to officer safety and care must be taken to minimize the detainee's potential access to them. When an officer physically enters into a detention cell with a detainee, the officer must (b) (7)(E) (b) (7)(E)

9.12.1 Detention cells will routinely be thoroughly cleaned and sanitized and inspected for evidence of tampering. (b) (7)(E) (b) (7)(E)

9.12.2 Any problems encountered must be reported to the supervisor so that corrective action may be initiated.

9.12.3 To ensure safety, prior to placing a person into a detention cell, officers shall empty the detainee's pockets of (b) (7)(E) that may be used as weapons. Examples of these things, and other dangerous items, are as follows:

- (a) (b) (7)(E)
- (b) (b) (7)(E)
- (c) (b) (7)(E)
- (d) Any other objects that may pose a danger to the person or facilitate escape.

9.12.4 An officer may remove and examine (b) (7)(E) to ensure there are no hidden items. Officers shall remove shoelaces, belts, neckties, and scarves or any other rope-like object prior to placing a detainee in an unattended secure area.

9.13 **Attended Area:** When it is necessary to detain an individual in a work area, additional caution must be exercised to ensure the safety of the public and CBP employees. Officers working in or transiting this area must exercise due diligence to safeguard their firearms and other weapons, i.e., baton, Oleoresin Capsicum (OC) spray, etc. Officers and other CBP employees must also ensure that all potential egress points are utilized in a manner that reduces the potential for the detainee to abscond.

9.13.1 The person must be monitored at all times by at least one officer. The area within the person's direct reach must be cleared of all items that could be used as a weapon or to facilitate an escape, and internal documents and computer screens that may be visible to the person.

9.13.2 Under no circumstances will evidence or other items that can be destroyed or pose a threat to any person be kept where they are accessible to a detainee.

9.13.3 When possible, two CBP officers should be assigned to process and monitor persons detained at a CBP facility.

9.14 **Search Procedures:** Personal searches and immediate patdowns may, under certain conditions, be necessary to meet enforcement and/or security, or safety concerns. Officers conducting personal searches or patdowns will be allowed to retain their firearms, but must

exercise due diligence to safeguard their firearms and other weapons, i.e., baton, Oleoresin Capsicum (OC) spray, etc.

9.14.1 All officers are to be aware of and comply with the CBP Personal Search Policy which governs searches for contraband close to or inside the body. Below are some of the policy guidelines and procedures for personal searches conducted at the border and functional equivalent of the border (POE).

9.14.2 If a person is temporarily detained by CBP and must be placed in a secure area, CBP officers shall conduct a patdown in accordance with the guidelines established in Chapters 2 and 3 of the Personal Search Handbook.

9.14.3 When a person has undergone a personal search in accordance with this directive, the search shall be recorded in the appropriate (b) (7)(E) record using the Reason for Search code (b) (7)(E) (b) (7)(E)

9.14.4 This directive does not supersede the authority of a CBP officer to conduct an immediate patdown or to secure a weapon if an officer suspects that a person may be armed.

9.14.5 This directive does not supersede the authority of a CBP officer to conduct a lawful search incident to an arrest, either administrative or criminal.

9.14.6 If an officer reasonably suspects merchandise or contraband is present as a result of the personal search, the CBP officer may conduct a more intrusive search to confirm or dispel suspicions, in accordance with the guidelines established in Chapter 4 of the Personal Search Handbook.

9.14.7 An immediate pat down is required when physical custody of a detainee is transferred (e.g., officer to officer and agency to agency).

9.15 Restraints Procedures: The use of restraints on persons in CBP custody shall be conducted in a manner that is safe, secure, humane, and professional. When restraints are used, the officer must have an articulable fact(s) to support the decision.

9.15.1 At *any* point of CBP processing (to include outbound operations), when officers determine that a person (b) (7)(E) (b) (7)(E) (b) (7)(E) the person may be restrained. Officers must evaluate the totality of the circumstances to determine if restraints are reasonably necessary.

9.15.2 If an officer believes it is reasonably necessary because a person (b) (7)(E) (b) (7)(E) (b) (7)(E) the officer may use (b) (7)(E) based on articulable reasons.

9.15.3 If an officer uses restraints solely for the safety of the officer and others, the officer should inform the person that he/she is not under arrest and that the restraints are a temporary measure.

9.15.4 Prior to an arrest (administrative or criminal), if restraints are used, an immediate patdown for weapons must be conducted immediately unless safety is an issue. If there a risk to the officer or the detainee, an immediate patdown must be completed as soon as safely possible. The person must be promptly escorted to a secure area for continued processing.

9.15.5 It shall be the responsibility of managers and supervisors to provide officers with the appropriate restraining devices, including keys and tools necessary to release detainees.

9.15.6 It is the responsibility of managers, supervisors, and officers to convey all known information of (b) (7)(E) (b) (7)(E) to escorting officers. When a detainee presents a (b) (7)(E), supervisors shall utilize additional safety measures such as (b) (7)(E) or other measures as deemed necessary.

9.15.7 Except in exigent circumstances, officers shall only use restraints for which they have received training.

9.15.8 Officers should employ only the amount of restraint that is both reasonable and necessary to ensure the safety of the detainee or others, and to prevent escape.

9.15.9 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 which require the restraints. See Restraint Chart in Section 9.16.1.

9.15.10 Persons who have demonstrated (b) (7)(E) shall be restrained while being transported as well as any other time in custody when held in an area that is not secure, including vehicles or buildings.

9.15.12 Detainees who are restrained or handcuffed shall be closely monitored at all times except in emergent circumstances.

9.15.13 Application of restraints during a transport or escort shall be at the discretion of the officer based on the totality of the circumstances. Removal of restraints during a transport shall be the decision of the officer based on exigent circumstances and/or the totality of the circumstances. Officers should ensure that their decision is consistent with the Restraint Chart.

9.15.14 The level or types of restraints shall be reasonable under the circumstances. Restraints shall not be used to inflict punishment, or to restrict blood circulation or breathing.

9.15.15 Depending upon (b) (7)(E) (b) (7)(E) consideration may be given to the use of additional restraints beyond those required under the classification system when transporting detainees in vehicles.

9.15.15.1 Unsecured vehicle: Transports should not be performed in an unsecured vehicle except in emergency circumstances. Unsecured transports shall be conducted by (b) (7)(E), (b) (7)(F) Officer safety is paramount when utilizing an unsecured vehicle for detainee transports.

9.15.15.1.1 [REDACTED] (b) (7)(E), (b) (7)(F)
Juveniles or family units may be restrained in accordance with the Restraint Chart in Section 9.16.1.

9.15.15.2 Secured Vehicle: [REDACTED] (b) (7)(E), (b) (7)(F) are permitted based on articulable factors.

9.15.16 During local Voluntary Return or Withdrawal trips utilizing a secured vehicle, [REDACTED] (b) (7)(E), (b) (7)(F)

9.16 **Classification of Detainees:** All detainees shall be classified for the use and level of restraints prior to being transported by the officer assigned to effect transportation or escort. Each officer shall be required to make his/her personal assessment as to the classification of the detainee. When the use of Form I-216, Record of Persons and Property Transferred, is required, the officer's assessment as to restraint category should be noted in the margin immediately to the left of each detainee's name with appropriate notes on the reverse. The escorting officer may re-determine the use and level of restraint during the course of the escort for articulable reason(s). This should also be noted in the margin of Form I-216 with appropriate notes on the reverse side.

9.16.1 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. This assessment will include, at a minimum, a review of the detainee's [REDACTED] (b) (7)(E)

[REDACTED] (b) (7)(E)
[REDACTED] (b) (7)(E) . Officers should take into consideration [REDACTED] (b) (7)(E)
[REDACTED] (b) (7)(E)
[REDACTED] (b) (7)(E) in determining whether to use restraints, continue their use, or remove the restraints. Officers should also take into consideration the [REDACTED] (b) (7)(E)
[REDACTED] (b) (7)(E)

Restraint Chart

Detainees will remain in the highest threat class qualified until released or transferred to another agency.

Risk Classification	Restraints Required
Group A All detainees not in Group B or C.	Discretionary
Group B Non-ambulatory Detainees. Detainees requiring mechanical assistance or devices to perform or maintain basic life sustaining functions. Detainees requiring medication to sustain normal life functions.	Only restraints recommended and approved by a medical professional. May include [REDACTED] (b) (7)(E)

<p>Group C Detainees who CBP or another agency will prosecute (e.g. smuggling cases).</p> <p>Detainees who at any time (b) (7)(E) (b) (7)(E)</p> <p>Detainees meeting the definition of (b) (7)(E) (b) (7)(E)</p> <p>Detainees who are or have been (b) (7)(E) (b) (7)(E)</p> <p>Detainees (b) (7)(E) (b) (7)(E)</p> <p>Detainees who are (b) (7)(E) (b) (7)(E)</p>	<p>Minimum: (b) (7)(E)</p> <p>Recommended: (b) (7)(E) (b) (7)(E)</p>
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9.17 **Escort Procedures:** Officers may provide escort services to remove or transport detainees. Whenever operationally feasible the escorting of persons will be conducted by (b) (7)(E), (b) (7)(F) Officers who escort detainees (b) (7)(E) must exercise particular vigilance.

9.17.1 It is the responsibility of Supervisors and case officers to convey all known information of (b) (7)(E) (b) (7)(E) to escorting officers.

9.17.2 It may be necessary for CBP officers to transport detainees wanted on a local warrant. In this case, no detainee may be transported without a positive acknowledgement of the NCIC information from the Originating Agency. Officers must also submit a ten print Integrated Automated Fingerprint Identification System (IAFIS) search with verification, if available, for any detainee transported by CBP officers due to a NCIC warrant. NOTE: IAFIS may be negative even if a warrant is outstanding.

9.17.3 No detainee shall be transported or escorted without the transporting/escorting officer (b) (7)(E)

(b) (7)(E) In that case, a search shall be conducted as soon as it is practicable.

9.17.4 CBP officers should regularly test handcuffs, leg restraints, belly chains or other restraining devices to ensure that they are working properly.

9.17.5 Escorting officers shall maintain regular radio and/or cellular telephonic communication. When escorting detainees beyond the confines of the POE, officers shall inform Sector of the following information:

- Escorting officer's identity
- Planned route of travel, including starting and ending locations
- The estimated time of departure/arrival (ETD/ETA)
- Mileage at starting and ending locations
- The total number of detainees in the vehicle
- Special-handling cases (e.g. (b) (7)(E))
- Notification of any actual or estimated delays in departure and revisions to ETA

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

9.17.7 Officers shall in uniform unless other attire is authorized by the DFO. Every transporting officer shall be issued and advised to (b) (7)(E)

9.17.8 Officers shall secure the vehicle before leaving it unattended. This includes (b) (7)(E)
(b) (7)(E)

9.17.9 Officers must return the vehicle keys to the Key Control Officer or shift supervisor.

9.18 **Ground Transportation:** (b) (7)(E)
(b) (7)(E)

9.18.1 When escorting detainees, all officers shall maintain regular radio and/or cellular telephonic communication with Sector.

9.18.2 (b) (7)(E)
(b) (7)(E) Absent separate compartments, additional restraining devices may be used on some or all detainees. All detainees may be restrained (b) (7)(E)
(b) (7)(E)

9.18.3 The passenger section of all CBP vehicles and all immediate confinement areas (b) (7)(E)
(b) (7)(E)
(b) (7)(E)

9.18.4 No baggage, luggage or parcel shall be transported in a manner making it accessible to any detainee unless the items have been thoroughly searched by CBP officers, except when exigent circumstances pose a safety hazard or danger to the officer, detainee, or the public. In the latter case, a search shall be conducted as soon as practicable.

9.18.4.1 Unsecured vehicle: (b) (7)(E), (b) (7)(F)

9.18.4.2 The detainee shall be placed in the (b) (7)(E), (b) (7)(F)
(b) (7)(E), (b) (7)(F)

9.18.4.3 All detainees transported in unsecured vehicles shall be secured using a seat safety belt.

9.18.5 Secured vehicle: (b) (7)(E), (b) (7)(F)
(b) (7)(E), (b) (7)(F)

9.18.6 Depending on (b) (7)(E)
consideration should be given to the use of additional officers and/or one or more escort vehicles.

9.18.7 The officers must maintain a clear view of the entire vehicle compartment and remain alert to behavior that could jeopardize safety and security. The assistant driver is responsible for detainee oversight during transport.

9.18.8 When feasible, detainees should wear seat-belts.

9.19 **Emergency Situations** PDs should establish local written procedures for escorting officers to follow in an en-route emergency. At a minimum, the written procedures shall cover the following situations:

9.19.1 (b) (7)(E), (b) (7)(F)
(b) (7)(E), (b) (7)(F) Officers
will do everything possible to protect the safety of everyone in the vehicle.

9.19.2 Death: If a detainee dies while in transit, officers will notify Sector and their chain of command as soon as possible. The Commissioner's Situation Room (b) (7)(E) will be notified utilizing procedures in CBP Directive 3340-025C.

9.19.3 Escape/Absconder:

9.19.3.1 (b) (7)(E), (b) (7)(F) Transport with Single Detainee. If a detainee absconds, (b) (7)(E), (b) (7)(F)
(b) (7)(E), (b) (7)(F)

(b) (7)(E), (b) (7)(F)

9.19.3.2 (b) (7)(E), (b) (7)(F) Transport or (b) (7)(E), (b) (7)(F) Transport with Multiple Detainees. If a detainee absconds,

(b) (7)(E), (b) (7)(F)
(b) (7)(E), (b) (7)(F)

9.19.4 Fire: In case of fire in or on the vehicle, (b) (7)(E)
(b) (7)(E)

9.19.5 Illness: If a detainee becomes ill while in transit, (b) (7)(E)
(b) (7)(E)
(b) (7)(E) Officers will notify Sector and the local chain of command of the incident as soon as practicable.

9.19.6 Natural Disasters: In the event of a flood, dust storm, ice storm, tornado, or other natural disaster, officers will contact state authorities to assess road conditions along the planned route. If driving conditions are unlikely to improve, the transport will be delayed until the emergency has passed. If officers are in transit and a natural disaster occurs, officers will stop the vehicle in a safe area and notify Sector. Officers will contact their local chain of command for further instructions.

9.19.7 Traffic Accident: After an accident, (b) (7)(E)
(b) (7)(E)

(b) (7)(E) Officers must also notify Sector and the local chain of command of the accident. Officers must obtain a police report for the record. In addition, officers must record witnesses' names, addresses, and phone numbers. (b) (7)(E)
(b) (7)(E)

9.19.8 Vehicle Failure: If a vehicle develops mechanical problems en route, (b) (7)(E)
(b) (7)(E) and contact Sector and the local chain of command.

9.19.9 Violent Behavior by Detainees: If a detainee becomes violent, whether to themselves or others, while in transit, officers (b) (7)(E)

9.20 Air Transportation: Airlines are under no obligation to transport prisoners and may reject officer(s) and detainee(s) for a variety of reasons. Corporate airline policy on the types and use of restraints varies between airlines and airports. The aircraft's captain has the ultimate authority to determine the use of restraining devices on any flight. If the captain's decision is unacceptable, the officer(s) and the detainee(s) shall deplane and make other arrangements.

9.20.1 When escorting a detainee in view of the general public (i.e., airport terminal) for removal from the United States, officers shall use [REDACTED] (b) (7)(E)

[REDACTED] (b) (7)(E)

9.20.2 When escorting detainees classified in Class 3, 3a, or 3b in the Escort Determination Chart below and in accordance with FAA regulations, [REDACTED] (b) (7)(E)

[REDACTED] (b) (7)(E)

9.20.3 Personnel assigned to escort detainees shall be familiar with, and strictly observe, the Transportation Security Administration (TSA) regulations regarding carrying weapons and transporting detainees on commercial flights. See 49 C.F.R. §§1544.219 and 1544.221. Note that the TSA regulation on transporting detainees does not apply to the escort of non-violent DHS detainees. See 49 C.F.R. §1544.221(a)(3).

Escort Determination Chart

Detainees will remain in the highest threat class qualified until released or transferred to another agency.

Class Descriptors **Minimum Number of Escorts Required**

Class Descriptors	Minimum Number of Escorts Required
<p><u>Class 1</u></p> <ul style="list-style-type: none"> • Aliens granted voluntary departure or withdrawal of application of admission provided there is no significant adverse information regarding the alien or risk that the alien will fail to depart the United States. • Aliens who do not fall into any class below and are escorted to a point of departure, placed on the carrier, and met by other DHS officers at the point of arrival. 	<ul style="list-style-type: none"> • [REDACTED] (b) (7)(E)
<p><u>Class 1a</u></p> <ul style="list-style-type: none"> • Persons in need of assistance because of age, infirmity, mental capacity, handicap, or language barriers. • Detainee en route to receive care or to point of release from CBP custody. • Unaccompanied juveniles. 	<ul style="list-style-type: none"> • [REDACTED] (b) (7)(E) • [REDACTED] (b) (7)(E) • [REDACTED] (b) (7)(E) • [REDACTED] (b) (7)(E)

<p>Class 2</p> <ul style="list-style-type: none"> Persons at any time convicted of a crime or known to be criminally involved, but determined by CBP to be non-violent. 	<ul style="list-style-type: none"> (b) (7)(E) (b) (7)(E) (b) (7)(E)
<p>Class 3</p> <ul style="list-style-type: none"> Persons who have been determined by CBP to be violent, dangerous, and/or disruptive. Persons who are or have been physically or verbally abusive, combative, or confrontational during CBP inspections or while in custody. Persons who have otherwise indicated a willingness or intent to resist physical removal from the United States. Persons who are being escorted to a medical facility as a continuation of the personal search process. Persons who are serving criminal sentences, or are being transferred or delivered to other jurisdictions where criminal proceedings are pending, regardless of whether the underlying crimes involved force or violence. 	<ul style="list-style-type: none"> (b) (7)(E) (b) (7)(E)
<p>Class 3a</p> <ul style="list-style-type: none"> Individuals deemed by Public Health or another competent medical authority to be in need of medical services during travel. 	<ul style="list-style-type: none"> (b) (7)(E)
<p>Class 3b</p> <ul style="list-style-type: none"> Persons who are a national security threat and/or have a terrorist nexus as identified by CBP, third agencies, or database checks that are taken into custody. 	<ul style="list-style-type: none"> (b) (7)(E) (b) (7)(E)

9.21 Transfer Procedures: Every effort must be made to transfer, transport or release detainees determined to require long term DHS custody and persons turned over to another agency as quickly as possible. The DFOs or their designees shall develop local procedures in writing for authorization and arrangement for detention and transfer procedures.

9.21.1 Once a detainee has been transferred to the custody of another agency, including ICE/DRO (using Form I-216), responsibility for the individual is transferred to that entity.

9.21.2 When transferring a detainee for long-term ICE/DRO detention, officers shall ensure that the following documentation, if applicable, accompanies the detainee:

- 9.21.2.1 Form I-213, Record of Deportable/Inadmissible Alien
- 9.21.2.2 Form I-862, Notice to Appear
- 9.21.2.3 Form I-860, Notice of Expedited Removal
- 9.21.2.4 Form I-203, Order to Detain or Release Alien
- 9.21.2.5 Form I-385, Alien Booking Record
- 9.21.2.6 Form I-216, Record of Persons and Property Transferred
- 9.21.2.7 Form I-205, Warrant of Deportation

- 9.21.2.8 Form I-794, In Processing Health Screening Form
- 9.21.2.9 Form I-296, Notice to Alien Ordered Removed/Departure Verification
- 9.21.2.10 Form I-200, Warrant for Arrest of Alien

Each Port of Entry is responsible for coordinating with local DRO and/or Contract/IGSA facilities to determine local protocol, procedures and forms required to book a detainee into a formal detention facility. These procedures shall be documented in local Standard Operating Procedures.

9.22 Personal Property Disposition Procedures: CBP Directive 5240-007 establishes procedures to assist CBP officers in determining how to handle personal effects of detainees. Officers shall follow the detailed guidelines and policy in this Directive to properly receipt and dispose of personal property.

9.22.1 Once a determination is made that a detainee's personal effects are not needed as evidence by CBP or another agency refer to CBP Directive 5240-007.

9.22.2 Initially, officers must [REDACTED] (b) (7)(E)
[REDACTED] (b) (7)(E)

9.22.3 Failing the above, officers shall attempt [REDACTED] (b) (7)(E)
[REDACTED] (b) (7)(E)

9.22.4 When CBP must maintain the detainee's property, a Notice of Abandonment will be given to the detainee at the time of the arrest.

9.23 Fire and Building Evacuation: Established written evacuation plans for the POE shall include directions for an officer to remove detainees from secure areas in case of fire and/or other building evacuation. Such event and its duration should be annotated in the Detention Log.

9.24 Special Notification Requirements: In accordance CBP Directive 3340-025C the field shall notify the Commissioner's Situation Room of the detention of any person with a Nonimmigrant Visa Classification of A, G, I, NATO or C-2 or C-3, or any politically or publicly prominent individual, regardless of nationality.

9.25 Fingerprinting Individuals: Prior to fingerprinting and /or conducting a ten print transaction in IAFIS, officers shall [REDACTED] (b) (7)(E)
[REDACTED] (b) (7)(E) This does not include US-VISIT, US-Arrival, or IDENT (two print) fingerprints.

10 Reporting Requirements

10.1 See Commissioner's Situation Room (CBP Directive 3340-025C and any subsequent directives) for specific reporting requirements and procedures.

10.2 If a person absconds successfully, [REDACTED] (b) (7)(E)
[REDACTED] (b) (7)(E), in accordance with local policy.

10.2 All incidents of assaults, threats, shootings, or the use of force involving CBP employees and their families shall be reported by a supervisor immediately to the Commissioner's Situation Room via (b) (7)(E) and to the Joint Intake Center via (b) (7)(E). The supervisor making the notification is responsible for any office reporting requirements as well as ensuring that any federal, state or local law enforcement authorities with jurisdiction are notified in a timely manner in accordance with locally established contingency plans.

11 NO PRIVATE RIGHT CREATED

The procedures set forth in this Directive are for CBP internal use only and create no private rights, benefits, or privileges for any private person or party.

Assistant Commissioner
Office of Field Operations

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

CUSTODIAL SPONSOR RELEASE AGREEMENT

I, _____ residing at _____
(Name) (Number and Street)

(City) (State) (Zip Code)

Being Duly Sworn Depose and Say:

1. That I was born on _____ at _____
(Date) (City) (Country)

2. If you are not a U.S. citizen, answer the following as appropriate:

If a Lawful Permanent Resident of the United States, give "A" number: _____

If a non-immigrant, Visa Classification _____ Admission Expires _____

3. That this affidavit is executed on behalf of the following unaccompanied alien minor/child:

Child's Name		Gender (M/F)	Date of Birth (mm/dd/yyyy)	
Citizenship	Mothers Name		Fathers Name	
Parents Address (Number and Street)		City	State	Country
Parole Dates (mm/dd/yyyy) Beginning _____ Ending _____		Return Flight Date (mm/dd/yyyy)		
		Airline/Flight Number		

4. That this affidavit is made by me for the purpose of assuring the U.S. Government that the Child named in item 3 will not become a public charge in the United States.

5. That I am willing and able to receive, maintain, and support the Child named in item 3 and that I agree to provide for the child's physical, mental and financial well-being while the Child is in my custody.

- 6. That I am willing and able to ensure that the Child named in item 3 will be present for all future proceedings before the Department of Homeland Security (DHS) (including voluntary removals via the Withdrawal Process) and the Immigration Court.
- 7. That I will notify DHS of any change of address within five (5) days following a move of the Child named in item 3.
- 8. That I will notify DHS at least five (5) days prior to the Custodial Sponsor's departure from the United States, whether the departure is voluntary or pursuant to a grant of voluntary departure or order of removal.
- 9. That I will notify DHS of the initiation of any State court dependency proceeding involving the Child named in item 3 and notify the State dependency court of any immigration proceedings against the Child named in item 3.
- 10. I understand that DHS may terminate this custody agreement and the Child named in item 3 will return to the custody of DHS if I fail to comply with any of the above criteria.

I swear (affirm) that the above statements are true and correct.

Signature _____

Subscribed and sworn to (affirmed) before me this _____ day of _____, 20_____

At _____

Name and Title of Officer administering oath _____

Signature _____

~~For Official Use Only~~
~~Law Enforcement Sensitive~~

CBP Form 3504 (06/08)

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

PERSONAL DETENTION LOG SHEET
Directive 3340-030B

Port Code/Name _____

Name of Detainee			Date of Birth (mm/dd/yyyy)	
Race	Gender (M/F)	Reason Detained		
Date/Time In	Officers Name	Date/Time Out	Officers Badge No.	
Supervisors Name				
Agency Turned Over To/Final Disposition			1 (b) (7)(E) No.	
CONDITION – Physical and Mental Observations			2 15 Minute Checks Time and Officers Initials	
			1	2
			3	4
			5	6
			7	8
			9	10
			11	12
			13	14
			15	16
			17	18
			19	20
			21	22
			23	24
			25	26
			27	28
			29	30
			31	32
			33	34
			35	36

This log sheet will be used when a person is left **unattended** in a secure area. Observation entries will be made every 15 minutes to ensure the safety of the detainee. If the detainee is removed from the secure area and taken to a different location within the CBP facility, (i.e., fingerprint room, interview room, etc.), it shall be annotated on the sheet. After the detainee is released or transferred to another agency or facility, the Personal Detention Log Sheet will be retained on file locally, in chronological order, for two years and three months from the date of detention. Local reproduction of this form is authorized.
CBP Form 3501 (06/08)

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

CAUTION SHEET ON DETAINED INDIVIDUAL

Directive 3440-0330B

Subject Name:		
DOB:	Date:	Time:

Check appropriate box(es):

<input type="checkbox"/>	Medical Condition:
	Remarks:

<input type="checkbox"/>	Requires Medication Type/Frequency:
	Remarks:

<input type="checkbox"/>	Hostile or Uncooperative:
	Remarks:

<input type="checkbox"/>	Depressed or Suicidal:
	Remarks:

<input type="checkbox"/>	Suspected or Known Communicable Disease:
	Remarks:

<input type="checkbox"/>	Political Asylum:
	Remarks:

<input type="checkbox"/>	Juvenile:
	Remarks:

<input type="checkbox"/>	Other:
	Remarks:

Instructions/Observations/Disposition:

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection**Field Operations****Contact Advisory of CBP Detention**

To be used for any person who has been administratively detained for 3 hours pending a determination of his or her admissibility. The detainee will be afforded the opportunity to have CBP notify someone (including an attorney) of the delay. The 3-hour period for notification commences when the passenger is referred to CBP hard secondary for immigration administrative proceedings and should be done as soon as reasonably possible under the circumstances.

I am Officer (name) of U.S. Customs and Border Protection at (Port of Entry). Your, (husband, sister, friend, etc.) who has arrived in the United States (on flight number if the detainee arrived by air) has asked that we contact you. He (or she) is safe, however a decision regarding his or her application for admission is pending (or he or she will not be able to enter the United States at this time if a decision has been made). He (or she) is not available to speak with you during Customs and Border Protection processing. However, he (or she) will be afforded the opportunity to contact you at the completion of all CBP processing (*if the person arrived by air or sea, or if the person arrived by land but cannot be returned to Canada or Mexico immediately).

Person Contacted: _____

Phone Number Contacted: _____

Relationship: _____

Time of Notification: _____

Person making notification: _____ (Title, Badge
Number if applicable)

Remarks:

Customs and Border Protection

Field Operations

**Declination of Notification for Detention/Delay pending a
Determination of Admissibility**

The traveler has elected to decline the notification procedure for detention/delay pending a determination of his or her admissibility. The traveler must sign and indicate the date and time of the declination.

I, the undersigned, do not wish to notify anyone at this time of my detention/delay due to inadmissibility issues.

_____ Signature of Traveler	_____ Date	_____ Time
---------------------------------------	----------------------	----------------------

Printed Name of Traveler

_____ Officer Signature	_____ Date	_____ Time
-----------------------------------	----------------------	----------------------

Printed Name of Officer

Remarks:

**Bilateral Treaty Countries:
Mandatory Consular Notification Countries and Jurisdictions**

Algeria	Malta
Antigua and Barbuda	Mauritius
Armenia	Moldova
Azerbaijan	Mongolia
Bahamas, The	Nigeria
Barbados	Philippines
Belarus	Poland (non-permanent residents only)
Belize	Romania
Brunei	Russia
Bulgaria	Saint Kitts and Nevis
China ¹	Saint Lucia
Costa Rica	Saint Vincent and the Grenadines
Cyprus	Seychelles
Czech Republic	Sierra Leone
Dominica	Singapore
Fiji	Slovakia
Gambia, The	Tajikistan
Georgia	Tanzania
Ghana	Tonga
Grenada	Trinidad and Tobago
Guyana	Tunisia
Hong Kong ²	Turkmenistan
Hungary	Tuvalu
Jamaica	Ukraine
Kazakhstan	United Kingdom ³
Kiribati	U.S.S.R. ⁴
Kuwait	Uzbekistan
Kyrgyzstan	Zambia
Malaysia	Zimbabwe

¹ Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request.

² Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region or "SAR." Under paragraph 3(f)(2) of the March 25, 1997, U.S.-China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports in the same manner as is required for bearers of Chinese passports-- *i.e.*, immediately, and in any event within four days of the arrest or detention.

³ British dependencies also covered by this agreement are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

⁴ Although the U.S.S.R. no longer exists, some nationals of its successor states may still be traveling on its passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old U.S.S.R. passports. The successor states are listed separately above.

Source: http://travel.state.gov/law/consular/consular_737.html#notification

Fax Sheet for Notifying Consular Officers of Arrests or Detentions

Date: _____ **Time:** _____

To: Embassy/Consulate of _____ in _____, _____
(Country) (City) (State)

Fax: (____) _____

Subject: NOTIFICATION OF ARREST/DETENTION OF A NATIONAL OF YOUR COUNTRY

From: United States Customs and Border Protection

Name: _____

Office: _____

Street Address: _____

City: _____ **State:** _____ **ZIP:** _____

Telephone: (____) _____ **Fax:** (____) _____

We arrested/detained the following foreign national, whom we understand to be a national of your country, on _____, _____.

Mr./Mrs./Ms: _____

Date of Birth: _____

Place of Birth: _____

Passport Number: _____

Date of Passport Issuance: _____

Place of Passport Issuance: _____

To arrange for consular access, please call (____) _____ between the hours of _____ and _____. Please refer to case number _____ when you call.

Comments/Charges (optional):