

# **ICE/DRO RESIDENTIAL STANDARD**

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## **TRANSPORTATION (BY LAND)**

**PURPOSE AND SCOPE.** Vehicles are properly equipped, maintained, and operated and residents are transported in a secure, safe and humane manner, under the supervision of trained and experienced staff, preventing harm to the public.

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

1. The general public, residents, and staff will be protected from harm when residents are transported.
2. Vehicles used for transporting residents will be properly equipped, maintained, and operated.
3. Residents will be transported in a safe and humane manner, under the supervision of trained and experienced staff.
4. Where required, residents have regular access to translation services and/or are provided information in a language that they understand.
5. The standard complies with federal laws and with DHS regulations regarding residents with special needs.

**II. DIRECTIVES AFFECTED.** None

**III. 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-1B-01, 1B-03, 1B-04, 1B-05, 1B-06.

ICD/DRO Residential Standard on Transfer of Residents.

Memorandum dated 7/14/2006 on "Escape Reporting" from the ICE/DRO Director, which specifies requirements for the reporting, tracking, and investigating of the escape of an ICE/DRO resident.

ICE Residential Standard for "Use of Physical Force"

## **IV. EXPECTED PRACTICES**

### **A. Written Policy and Procedures Required**

The facility administrator shall develop and implement written policy, procedures, and guidelines for the transportation of residents, addressing at a minimum the following subjects:

1. General policy and procedures governing safety, security, operations, communications, equipment;
2. Vehicle inspections and repair;
3. Vehicle occupancy;
4. Arrangement of seating of residents in transportation vehicles;
5. State and Federal requirements that relate to the transport of children in vehicles, including car seats, etc.
6. Procedures in the event of:
  - Vehicle failure,
  - Traffic accident,
  - Severe weather or natural disaster,
  - An emergency situation, as specified later in this document,
  - Transport of females or children,
  - Transport of residents whose physical or mental conditions preclude prolonged travel.

### **B. Vehicle Maintenance**

All vehicles used for transporting ICE/DRO residents shall be comply with annual safety inspections in accordance with applicable statutes. Vehicles may not be used for transportation if any safety repairs are needed.

### **C. Transportation Planning and Scheduling**

The Facility Administrator (FA) has overall responsibility for all aspects of vehicle operations.

The FA is responsible for establishing schedules for and monitoring vehicular maintenance, making logistical arrangements to transport residents, supervising and instructing personnel, and protecting resident security. Before departure, the facility shall revise plans as necessary, based on weather and road conditions and any other last-minute security considerations.

The Residential Standard on **Transfer of Residents** specifies requirements for communication between a sending facility and a receiving facility.

## **D. Transporting Staff Responsibilities**

### **1. Training Required**

All facility staff assigned to bus transportation duties must have a valid current Commercial Driver's License (CDL) issued by the state. Bus-driver trainees may operate the vehicle during any segment of a run when residents are not on board, but only under the direct and constant supervision of a **certified bus instructor** licensed by the state in which they are driving.

### **2. Forms and Files**

For each vehicle operator and others assigned to a bus, supervisors shall maintain at the official duty station a file containing:

- Certificate of Completion from the ICE/DRO Bus Training Program,
- Copy of the most current physical examination, used to obtain the commercial driver's license (CDL); and
- Copy of the CDL.

Every motor vehicle operator shall complete forms SF-47, G-392, and G-294 for his or her official personnel folder (OPF) and is responsible for renewing those documents and providing copies for the OPF.

### **3. Operating the Vehicle**

The driver shall operate the vehicle in accordance with the CDL manual or the highest prevailing standard and must maintain complete control of the vehicle at all times, obeying all posted traffic signs (including speed limits) and exercising extreme caution, reduced speed, and common sense when negotiating a steep grade or driving in inclement weather or hazardous road conditions.

Driving under the influence of drugs or alcohol is prohibited. In addition to any other random testing as part of a drug-free workplace program, all staff assigned to transportation are subject to U.S. Department of Transportation (DOT) drug- and alcohol-testing

The transporting staff shall comply with all State and Federal motor vehicle regulations (including DOT, Interstate Commerce Commission, and Environmental Protection Agency), in addition to the following:

1. Wearing a seat belt when the vehicle is moving;
2. Holding a valid CDL from the state where employed;
3. Inspecting the vehicle, using a checklist and noting any defect that could render the vehicle unsafe or inoperable;
4. Transporting residents in a safe and humane manner;
5. Verifying individual identities and checking documentation when transferring or receiving residents;
6. Driving defensively, taking care to protect the vehicle and occupants; obeying traffic laws; and immediately reporting damage or accidents;

7. Re-inspecting the vehicle after each trip and completing a vehicle inspection report, including an odometer reading;
8. 8. Returning the vehicle keys to the control staff or supervisor, according to facility procedures;
9. Recording authorized expenses (such as fuel, emergency services, oil) on form G-205, "Government-owned Vehicle Record," specifying the exact amount and the date; keeping all receipts and turning them in along with the G-205 at the end of each month;
10. Safeguarding credit cards assigned to the vehicle.

#### **4. Driving Hours and Number of Operators**

Each staff employee must recognize the limitations imposed by his or her own driving skills, personal distractions, environmental conditions, and modify his or her driving accordingly. All crew members must strictly adhere to the following rules/restrictions – if a crew member is disqualified from participating in a residential transport by any or all of these rules, he or she has the responsibility to inform a transportation supervisor. The transportation supervisor must also ensure that each crew member is not disqualified from participating in the transport of residents.

1. Possession of current valid CDL by the bus operator(s);
2. Crew member must be off-duty for the 8 hours immediately preceding any trip or trip segment;
3. Crews members are restricted for transport duties to 10 hours, maximum, driving time (time on the road) per trip segment; 8 off-duty hours between segments;
4. Crew members are limited to 50 hours, maximum, driving time per work week; 70 hours, maximum, in any 8-day period;

An emergency or unforeseen and/or adverse driving conditions require , crew members to extent authorized travel time reach a safe and secure stopping area.

When vehicles without residents travel in tandem, a single staff shall be assigned to each. Unaccompanied staffs may also drive empty vehicles for certain purposes, for example, maintenance trips

#### **5. Vehicle Security**

Staff shall secure the vehicle before leaving it unattended, including removing the keys from the ignition immediately upon parking the vehicle.

Staff shall avoid parking in a location where the vehicle would attract undue attention or be vulnerable to vandalism or sabotage. If a parking area with adequate security cannot be located, staff shall contact the local law enforcement agency for advice or permission to use one of its parking places.

## **E. Staff Uniform and Equipment**

All staff transporting ICE/DRO residents shall wear their prescribed uniforms unless other attire is authorized by the facility administrator.

Every transporting staff shall be issued, and advised to wear, a protective vest while participating in the transportation program.

Equipment recommended for each trip includes, among other things, the following:

- Flashlights
- Extra handcuffs
- Flexicuffs and cutter;
- Other authorized intermediate force (“non-lethal,” “non-deadly”) weapons.

## **F. Pre-Departure Vehicle and Security Check**

Prior to trip departure, all staff assigned to transport residents must be present to ensure a complete and thorough inspection and search and shall:

1. Inspect the vehicle for mechanical and electrical problems.
2. Test the emergency exits and the key for every lock located in or on the vehicle. A complete set of these keys shall travel with the vehicle at all times, in a secure place known to every transporting staff.
3. Search for hidden weapons and other contraband , including the driver's compartment and glove compartment, the resident seating area, and the cargo compartment.
4. Take any necessary special precautionary measures for a resident identified as a special-handling case (security, medical, or psychological problems, etc.) while the search is in progress.
5. Search the staging area prior to loading residents to ensure the area is clear of any weapons or contraband.
6. Thoroughly search each resident as he or she is about to board the vehicle.

## **G. Required Documents**

### **1. “Official Detail”**

No resident may be removed from any facility, unless authorized in writing by ICE. Written authorization must include the name of the resident(s), the place or places to be escorted, the purpose of the trip and other information necessary to efficiently carry out the detail.

Before beginning the detail, the escorting and transportation staff shall read their instructions and clearly understand the purpose for which the resident is being taken from the facility. The staff shall also discuss emergency and alternate plans with the supervisor.

All completed transportation authorizations shall be filed in order (monthly), with the previous months readily available for review. Travel authorization shall be retained for a minimum of three years.

#### **H. Departure Scheduling and Security**

The vehicle crew shall schedule driving times to ensure arrival of residents at the designated meeting area on schedule.

Before transferring residents from one facility to another, a designated staff shall provide the receiving office with the following information:

1. The estimated time of departure and arrival (ETD/ETA);
2. The number of residents in each of the following categories: new arrivals (remaining at the facility); drop-offs; juveniles/family units; and overnights;
3. The total number of residents;
4. Any special-handling cases, detailing medications, restraints, etc.;
5. Actual or estimated delays in departure, and revised ETA(s), if applicable.

#### **I. Transfer of Funds, Valuables, and Personal Property**

Facility staff shall inspect and inventory the personal property of residents transferring from one facility to another in accordance with the Residential Standards on **Admission and Release and Funds and Personal Property**.

In addition, at the originating facility:

1. Staff shall ask each resident whether he or she has in his or her possession all funds, valuables, and other personal property listed on the I-216.
  - If a resident answers "yes," he or she may board the vehicle.
  - If a resident claims missing funds, valuables or personal property, the resident shall remain at the facility until completion of the required paperwork (SF-95 and I-387 or comparable forms). Photocopies of the completed forms are sufficient documentation for the transfer to proceed.
2. Staff shall include on each I-216, in the "checked baggage" section, the I-77 numbers, to be verified by receiving facility staff.
3. The lead driver shall check the manifest against the number of packages by resident name and A- number before signing the I-216 or placing the baggage on the bus.

In addition to the requirements of the Residential Standard on **Funds and Personal Property**:

1. Staff shall completing a separate I-77 for each piece of baggage and record the resident's name on the top, middle, and bottom portions;
  - Attach the string on the top of the I-77 to the corresponding piece of baggage, and secure the resident's signature on the back of the I-77.
  - Attach the middle section to the copy of the I-385 that will accompany the resident to the final destination.

- The bottom portion is the resident's receipt.
- 2. Transporting staff shall record their initials, office designator, and ID number in the lower left corner of the bottom portion of the I-77.
- 3. Staff involved in the transfer shall identify residents with baggage by the I-77 attached to the I-385.

## **J. Loading a Vehicle**

### **1. Security and Occupancy**

Staff shall be posted whenever residents enter or exit a vehicle.

The number of residents transported may not exceed the occupancy level established by the manufacturer's rated maximum capacity.

The escorting staff/assistant driver shall instruct the residents about rules of conduct during the trip.

All residents, particularly children and residents with special needs shall be safely transported in accordance with state vehicular laws, i.e, car seats, etc.

The main driver is responsible for managing the residents' move from the staging area into the vehicle. The number of available staff shall determine whether they move at one time or in groups.

### **2. Items Residents May Keep in Their Possession**

Ordinarily, residents in transport may keep the following in their possession: jewelry, cash, eyeglasses, prescription medicines, and receipts for property and money (G-589, I-77); however, if the transporting staff determine that any of these items would compromise staff or resident safety, it shall be removed from the resident's possession and placed in an appropriate storage area.

In some instances, the vehicle crew shall safeguard and dispense prescription medicines, noting the resident's name, A-number, and date and time(s) dispensed, and by whom. These notes shall be attached to the resident's medical record or A-file. In any instance where a vehicle crew may be required to dispense medication; documentation showing those staff are properly trained must be on file.

### **3. Count, Identification, and Seating**

To confirm the identities of the residents they are transporting, the vehicle crew shall:

1. Summon the resident, by surname, to the vehicle. If a family group is being transported, all member of the family shall be identified, and parents or legal guardians shall answer for their child(ren) if child(ren) are under the age of 14.
2. Ask resident to state his or her complete name.
3. Compare name and face with the Booking Card (I-385) and attached photo and the Record of Persons and Property Transferred (I-216). If necessary, refer to the I- 385 for additional biographical information.

4. Seat each resident in accordance with written procedures from the facility administrator, with particular attention to residents with physical or mental health conditions, children, or who may need to be afforded closer observation for their own safety.
5. Conduct a visual count once all passengers are seated on board, and every time the vehicle makes a scheduled or unscheduled stop, before resuming the trip.
6. Ensure children are seated using proper restraints established by state law. Where required infant carriers, child safety seats, or booster seats will be used.

## **K. Responsibilities En Route**

### **1. Point of Contact**

The next receiving office on the vehicle route serves as the contact point and is responsible for monitoring the vehicle's schedule.

Upon making contact with an arriving vehicle, the receiving staff shall certify that they are taking custody of the specified residents by signing the accompanying Form I-216.

Each office shall develop and post written guidelines for locating an overdue vehicle. If the vehicle does not arrive within range of the ETA, the contact point shall set the tracing procedures in motion.

### **2. Safety and Security**

For safety purposes, all personnel shall remain seated while the vehicle is in motion.

The vehicle crew shall keep doors locked when residents are on board, and the assistant driver is responsible for resident oversight during transport. Staff must maintain a clear view of the entire vehicle compartment and remain alert for behavior that could jeopardize safety and security.

Residents shall not have access to any personal baggage or packages while in transit (except as specified in **Items Residents May Keep in Their Possession** earlier in this document).

A complete set of keys for every lock located in or on the vehicle shall travel with the vehicle at all times, in a secure place known to every transporting staff, and the crew shall keep bolt cutters in the forward compartment with the outer equipment for use in an emergency.

An armed staff may not enter the secure area of the vehicle. If he or she must enter that area, the staff shall first leave the weapon(s) with another staff for safekeeping or, if the vehicle is equipped with weapons lockers, in a locker.

### **3. Stops**

During stops, which the vehicle crew shall keep to a minimum, residents shall not leave the vehicle until the transporting staff have secured the area. When the residents disembark, the staff shall keep them under constant observation to prevent external contact(s) and/or contraband smuggling. At least one staff shall remain in the vehicle when one or more residents are present.

## **L. Meals**

The vehicle crew shall provide meals and snacks during any transfer of families. Staff shall consider when the residents last ate before serving meals and snacks, paying particular attention to the needs of infants and children.

The requirements specified in the Residential Standard on **Food Service** apply equally to food served in transit and food served in Residential facilities. Meals must satisfy the nutritional requirements of the sending facility. Special dietary needs should be identified to the food service department before departure, so suitable meals can be arranged.

In the interest of safety, residents shall have no access to eating utensils (disposable or not) while in transit.

Transporting staff shall observe safe-handling procedures at all times. Their responsibilities begin with the meals awaiting pickup from the food service department, which the vehicle crew must inspect (wrapping, portions, quality, quantity, thermos transport containers, etc.) Before accepting the meals, the vehicle crew shall raise and resolve questions, concerns, or discrepancies with the food service representative.

In transit, the crew shall store and serve food at the required temperatures, maintain personal hygiene, and meet all sanitation requirements. The crew shall maintain a constant supply of drinking water (and ice) in the water container(s), along with paper cups. Some disposable garbage receptacles (plastic bags) shall reside in the driver's compartment, with the remainder stored in the equipment box located in the forward baggage compartment.

The food service administrator shall monitor the condition and routine cleansing/sterilizing of drinking-water containers, basins, latrines, etc. in vehicles to ensure compliance with the Residential Standard on **Food Service**.

In an emergency, the transporting staff may purchase meals from a commercial source, obtaining receipts for later reimbursement.

## **M. Vehicle Communication**

Every vehicle shall be equipped with a functioning two-way radio. Every crew shall carry at least one portable, so the staff can maintain contact if one or more has to leave the vehicle. The vehicle's communications system shall include a cellular phone that can counteract certain problems associated with radio transmittals, such as dead zones, different frequencies, etc.

## **N. Vehicle Sanitation**

Vehicles must be kept clean and sanitary at all times. The facility administrator shall establish the procedures and schedule for sanitizing facility vehicles. Vehicle crew responsibilities include, but are not limited to, the following:

- Dumping septic tank contents at the locations specified.
- Maintaining an adequate supply of water and chemicals in the toilet at all times, which involves monitoring the inventory of chemical supplies stored in the forward baggage compartment.

## **O. Staff Conduct**

Recognizing the effect of personal appearance, speech, conduct, and demeanor in communicating the appropriate sense of authority, every staff shall dress, speak, and act with the utmost professionalism.

Staff assigned to vehicle operations shall have contact with personnel from various Field and Sector offices, other government agencies, and with the general public. In all such, the staff shall conduct themselves in a manner that reflects positively on ICE/DRO.

The vehicle crew falls under the authority of the facility administrator and FOD with jurisdiction at each facility en route, whether an intermediate stop or final destination. This authority remains in effect until the vehicle's departure, and applies only to the current trip. If problems arise, the lead driver must contact the facility and nearest ICE office. Staff shall comply with all rules and procedures governing use of government vehicles. They shall not transport any personal items other than those needed to carry out their assigned duties during the trip. Alcoholic beverages and illegal drugs are strictly prohibited.

Using ICE/DRO guidelines and common sense, staff shall handle the crises that occasionally arise. While treating all persons with courtesy and respect, they shall not sacrifice or compromise security to do so.

There shall be no smoking in any vehicle used or expected to be used in the transportation of families.

## **P. Firearms Storage**

Every facility administrator shall ensure that the on-site supply of gun lockers can accommodate the non-resident vehicle crews during stops at the facility.

## **Q. Vehicle Equipment**

All transport vehicles shall have emergency equipment and supplies commensurate with their size and capacity.:

## **R. Use of Restraints**

Generally, restraints shall not be used during the transport of family units. In any event where a determination is made by staff and concurred with by a supervisor, restraints may be applied as follows:

In accordance with the Residential Standard on **Use of Physical Force and Restraints**, staff shall use authorized techniques and common sense when applying restraints. To ensure safe and humane treatment, the staff shall check the fit of restraining devices immediately after application, at every relay point, and any time the resident complains. Properly fitting restraints do not restrict breathing or blood circulation.

The staff shall double-lock the restraining device(s), and secure each handcuff cover to the waist chain at a point inaccessible to the residents. Under no circumstances shall staff attach a restraining device to an immovable object, including, but not limited to, security bars, seats, steering wheel, or any other part of a vehicle. Staff carrying firearms shall exercise caution if close contact with a resident becomes necessary.

As a rule, transporting staff shall not handcuff women or children. If an exception arises, the staff shall document the incident, recording the facts and the reasoning behind the decision.

## **S. Emergency Situations**

The facility administrator shall establish written procedures for transportation staff to follow in an en-route emergency. The written procedures shall cover the following scenarios.

If an emergency occurs within a reasonable distance of an ICE/DRO office, the staff shall make every effort to reach that office before taking extraordinary measures. However, if moving seems ill-advised or impossible, they shall contact the office, stating location and the nature of the problem so the office can provide/secure assistance as quickly as possible.

If the situation is life-threatening, the vehicle crew cannot afford to wait for help from an ICE/DRO office; but shall take immediate action.

### **1. Attack**

If attacked, the vehicle crew should request assistance from the nearest law enforcement agency, continuing to drive until the vehicle is incapacitated. The transportation staff shall do everything possible to protect the safety of everyone in the vehicle.

### **2. Escape**

If a resident escapes, the transportation staff shall not jeopardize the security and accountability of the remaining residents by chasing the escapee. Instead, they shall notify the nearest ICE/DRO office, providing the escapee's name, A-number, height, weight, type of clothing and direction of flight (if known). The office shall directly relay this information to local law enforcement agencies.

The vehicle crew shall wait for assistance, under no circumstances using the vehicle to pursue the escapee. While waiting, the staff shall prepare a written report of the escape and/or attempted escape, fully documented.

### **3. Hostages**

If a hostage situation occurs on board the vehicle, one transporting staff shall secure the vehicle perimeter, while the other notifies the closest ICE/DRO office of the situation. The staff shall make every effort to determine who is/are involved and whether armed, relaying the information to the ICE/DRO office and the local law enforcement agencies. Under no circumstances shall a transporting staff bargain with or take orders from the hostage-taker(s), regardless of the status or rank of the hostage(s).

The vehicle crew shall hold all residents on board until help arrives, assuming the hostage-taker(s) allow non-participants to disembark. Regardless of demands, the staff shall not allow any hostage-taker(s) off the bus, with or without the hostages.

Transportation staff shall take no action to remedy a hostage situation, especially one that would involve the use of force. The staff shall follow instructions from the jurisdictional ICE/DRO office, which should include cooperating with other agencies.

A hostage situation shall effectively end a transportation assignment because of the need to interview witnesses, examine the crime scene, etc. The transportation staff shall receive instructions on how and where to proceed once the hostage situation is resolved.

The vehicle crew's incident report shall note participants, witnesses, action taken, etc.

#### **4. Illness**

If a resident becomes ill while in transit, but the illness is not serious, the transporting staff shall take appropriate action and alert the receiving office so it can prepare to handle the situation.

If the illness requires immediate medical treatment, (for example, heart attack), staff shall request assistance from the nearest emergency services and local law enforcement agencies. The staff shall initiate life-saving procedures as appropriate, proceeding if security permits. The closest ICE/DRO office shall prepare procurement paperwork and make arrangements for hospitalization, security, etc.

#### **5. Death**

If a resident dies while in transit, transporting staff shall notify the originating or receiving office as soon as possible, and follow the procedures specified in the Residential Standard on **Terminal Illness, Advance Directives, and Death**.

The closest ICE/DRO office shall coordinate with other agencies, including the coroner, required to be on the scene when the body is removed from the vehicle. This must take place in the State where death occurred. The Residential Standard on **Terminal Illness, Advance Directives, and Death** specifies the procedures with which the staff must comply.

#### **6. Fire**

In case of fire in or on the vehicle, the driver shall immediately stop the vehicle. The crew shall fight the fire with the on-board equipment. If necessary, the staff shall request assistance from the local fire department and law enforcement agency. If the fire forces the occupants' evacuation of the vehicle, the crew is responsible for maintaining accountability while removing the residents in orderly fashion.

#### **7. Riots**

If a riot, fight, or any disturbance occurs on the vehicle, the assistant driver shall order the residents to cease and the driver shall attempt to move the vehicle to the side of the road. If necessary, the crew shall request assistance from the local law enforcement agency. Efforts should be made to determine the instigators, number of residents involved, names and A-numbers.

When sufficient assistance is available, the transporting staff shall attempt to regain control, using only as much force as necessary. Staff may not enter the passenger area bearing arms.

#### **8. Traffic Accident**

The facility administrator shall establish written procedures for vehicle crews involved in traffic accidents.

#### **9. Vehicle Failure**

The facility administrator shall develop written procedures for transportation staff to follow when the vehicle develops mechanical problems en route.

#### **10. Natural Disasters**

The facility administrator shall develop written procedures for transportation staff to follow in severe weather or a natural disaster.

### **11. Transporting Females and Children**

The facility administrator shall develop written procedures for vehicle crews transporting women and/or children.

Children may not be transported by bus if the trip would exceed six hours. Otherwise, transportation by auto or van is required, with frequent breaks. When transporting children, State laws regarding car seats shall be followed.

Adult females may be transported by bus for up to ten hours. Otherwise, transportation by auto or van is required, with frequent breaks.

Staff shall search a resident of the opposite sex only in extreme circumstances, in the absence of a same-sex staff.

When transporting residents of the opposite gender, it is good practice for staff to call in their time of departure and odometer reading and then do so again upon arrival, to account for their time.

### **12. Transporting Resident with Special Needs**

Facility administrator shall develop written procedures for transporting residents with special needs.

**Standard Approved:**

  
\_\_\_\_\_  
**John P. Torres**  
**Director**  
**Office of Detention and Removal**

DEC 21 2007  
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**Date**