

2.6 Searches and Inspections

Introduction

This U.S. Immigration and Customs Enforcement (ICE) Family Residential Standard protects residents and staff and enhances safe and secure Center operations by conducting searches and inspections in a professional manner to avoid harassment, indignity, embarrassment, and unnecessary force.

Various terms used in this standard may be defined in the ICE Family Residential Standard on *Definitions*.

Program Philosophy

The requirements of this standard must be implemented in accordance with the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes*.

A. Language Access and Disability Requirements

Centers will adhere to the language access and disability laws, regulations, responsibilities, requirements, and laws cited in the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes* and the ICE Family Residential Standard on *Disability Identification, Assessment, and Accommodation*. These requirements must be promulgated in all Center policies, practices, and operations and its themes must be fully incorporated into every Center activity. This is of critical importance and will directly impact resident life, health, and safety.

Expected Outcomes

The expected outcomes of this standard are as follows (specific requirements are defined in the Expected Practices section in this standard):

1. Residents will live and work in a safe and orderly environment.
2. Contraband will be controlled.
3. Staff of the same gender as the resident will conduct pat searches of the resident. Searches of the resident's property, living and activity areas, or other areas may be conducted by staff of either gender.
4. Searches and inspections of residents as well as living and activity areas will be conducted without unnecessary force and in a manner that preserves the dignity of residents.
5. Centers will abide by all State or other licensing requirements that may be more restrictive than the Family Residential Standards. Centers will consult with ICE and the Juvenile and Family Residential Management Unit (JFRMU) as required.
6. Only pat searches are permitted at FRCs.

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7. When pat searches are conducted, the least intrusive practicable search method will be used, as indicated by the type of contraband and the method of suspected introduction or concealment.
8. Pat searches will be conducted only when there is documented reasonable belief or suspicion that contraband may be concealed on the person, and, if required, when properly authorized by a supervisor.
9. Minors will not be subject to search of their person without parental consent, without documented reasonable suspicion that contraband may be concealed, and without the explicit authorization of the Field Office Director (FOD) in consultation with OPLA and with notification to the JFMRU Chief.
10. Strip searches and body cavity searches will not be conducted at FRCs. Centers will contact ICE Field Office Director, the JFRMU Chief, and local law enforcement (as appropriate) if there is an imminent, clearly substantiated and articulated threat to life or safety that necessitates such an invasive search.
11. Contraband that may be evidence in connection with a violation of a criminal statute will be preserved, inventoried, controlled, and stored so as to maintain and document the chain of custody.
12. Staff conducting a search must be of the same gender as the resident.
13. Canines will not be used in a Residential Center.

Standards Affected

This standard replaces the ICE Family Residential Standard on *Searches of Residents* dated 12/21/2007.

Expected Practices

A. Written Policy and Procedures Required

All Centers will have written policy and procedures consistent with this standard for the following:

- Properly documenting procedures for searches and inspections;
- Searching resident living and activity areas;
- Conducting pat down searches;
- Using the least intrusive method of search practicable, as indicated by the type of suspected contraband and the method of suspected introduction or concealment;
- Preserving the dignity of the resident being searched;
- Notifying local law enforcement and process for observing/monitoring resident pending arrival;
- Avoiding unnecessary disruption of living and activity areas and leaving a searched area and resident's property in its original order, to the extent practicable;

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- Handling contraband;
- Preserving evidence; and
- Issuing receipts for property taken during a living and activity area search.

B. Staff Training

All staff who conduct searches of physical areas or pat searches of a resident's body will receive initial training regarding search procedures prior to conducting any searches, and will receive annual training in authorized and appropriate techniques thereafter.

C. Searching Resident Living and Activity Areas

Searches of a resident's personal items will include notification to the resident and require his/her presence unless emergent health or safety circumstances exist. In emergent health or safety circumstances, staff may search a resident's living or activity areas, and personal items contained within those areas, without notice to or approval from the resident and in the resident's absence.

Each Center will establish procedures to ensure all living and activity areas are searched routinely, but irregularly, as such inspections are primarily intended to:

- Detect and deter the introduction of contraband;
- Maintain health and sanitary standards; and
- Eliminate fire and safety hazards.

Staff will maintain written documentation of all living and activity area searches.

D. Pat Searches of Residents

Staff will document all resident searches, including the reasoning and authorization, in a search log and in the resident's residential file. Staff will conduct all searches in accordance with the procedures outlined below.

Minors will not be searched without the presence and consent of the parent. When the parent is not available, searches will require the explicit authorization of the FOD and JFRMU Chief.

Authorization will be granted only when a life or imminent public safety issue has been clearly substantiated. The parent will be notified as quickly as possible of the search in these situations.

Residents may be pat searched only when reasonable and articulable suspicion can be documented and upon approval from the Center Administrator.

A pat search (or "pat down") is a sliding or patting of the back of the hands over the clothed body of a resident which may include the head/hair, by staff to determine whether the individual possesses contraband.

A pat search does not require the resident to remove clothing (with the exception of outerwear that may interfere with the pat down such as coats, jackets and hoodies), although the inspection includes a visual search of the resident's clothing and personal effects.

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Whenever an adult resident must be searched, staff will conduct the search outside the presence of their children.

Hand-held and/or stationary metal detectors will be available and may be used in lieu of, or in addition to a pat search.

Staff will not conduct a pat search of a resident on a routine or random basis to control contraband without a threshold level of reasonable suspicion.

Gender of Staff Member. Pat searches will always be conducted by staff of the same gender as the resident.

All pat searches shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs, including consideration of staff safety.

Staff will be trained in proper procedures for conducting pat searches, including securing parental consent; observations; and searches of transgender, gender nonconforming, and intersex residents.

E. X-rays

1. Residents

In certain circumstances, depending on the resident, the type of suspected contraband, and any associated medical concerns, the Center physician may authorize use of X-ray technology to conduct the search. An X-ray exam requires the resident's written consent or the consent of a parent for minors. If the resident does not provide consent, then X-ray examination should not be performed.

Whenever a child must be X-rayed, his/her parent/guardian must be present.

Only the FOD and JFRMU Chief may authorize the Clinical Medical Authority to order a non-repetitive X-ray examination for the purpose of determining whether contraband is concealed in or on the resident (e.g., in a cast or body cavity).

Such approval and authorization will be based on the determination that:

- An X-ray examination is necessary for safe and secure Center operations or the health of the resident;
- No reasonable alternative exists; and
- The examination is not likely to result in serious or lasting medical injury or harm to the resident, based on the determination of qualified medical staff.

Staff will place documentation of the examination, the authorizations, and the reasons for the examination in the resident's file and medical file.

2. Property

The Center Administrator may direct X-rays of resident property and will ensure that the resident is not exposed.

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F. Preserving Evidence

Contraband that may be evidence in connection with a violation of a criminal statute will be preserved, inventoried, controlled, and stored so as to document and maintain the chain of custody, and will be reported to the appropriate law enforcement authority for action and possible seizure and prosecution.

References

- ICE Family Residential Standard on Definitions
- ICE Family Residential Standard on Program Philosophy, Goals, and Expected Outcomes
- ICE Family Residential Standard on Visitation