

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

19006.1: Escapes from Custody

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Superseded: None

Federal Enterprise Architecture Number: 306-112-002b

1. **Purpose/Background.** This Directive establishes U.S. Immigration and Customs Enforcement (ICE) policy on actions to be taken when a person escapes from ICE custody. ICE makes a large number of criminal arrests each year as part of its operational mission and apprehends a large number of persons for immigration-related violations. As a result, ICE detains or otherwise tracks the custody of a very large number of immigration detainees who are in criminal custody, immigration proceedings, or awaiting removal to another country.
2. **Policy.** When any individual escapes from the custody of an ICE law enforcement officer or agent, a facility housing ICE detainees, or any other form of ICE custody, actions must be immediately taken to locate and apprehend the escapee. Every escape must be responded to, reported, tracked, and reviewed in accordance with procedures in this Directive and developed by ICE Directorates.
3. **Definitions.** The following definitions apply for purposes of this Directive only:
 - 3.1. **Directorates** refers to Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO).
 - 3.2. **Escape** is the unauthorized departure from ICE custody of an individual who has been arrested or is in any form of detention.
 - 3.3. **Custody** means that period of time during which a person has been arrested by ICE under its administrative and/or criminal authorities, is physically present in an ICE-owned, leased, or contracted detention facility pursuant to such authorities, or is being transported by ICE (including for purposes of removal from the United States) pursuant to such authorities. Custody ends when the person is released from ICE's physical confinement or restraint, including upon transfer to another agency for detention under its own legal authorities.

4. Responsibilities.

- 4.1. The **Deputy Director** is responsible for oversight of the agency's implementation of this Directive and Directorates' actions related to escapes.
- 4.2. The **Executive Associate Directors of HSI and ERO** are responsible for the establishment of effective response plans within their respective Directorates for managing post-escape actions. See section 5.1, below.
- 4.3. The **National Firearms and Tactical Training Unit (NFTTU)** is responsible for reviewing all information on escapes provided by the Directorates or other sources and incorporating that information into the use of force related course curriculum as appropriate. The NFTTU will also provide information to the Deputy Director on escapes as part of its annual trends report on use of force activities.

5. Procedures.

- 5.1. The Directorates will develop response plans within 90 days of the implementation date of this Directive for dealing with escapes. The plans must detail the specific actions to be taken by personnel within the Directorates and will serve as the basis for the practices followed in each local area of responsibility. At a minimum, these plans will include:
 - 1) Steps for immediate reaction to escapes, to include notification to and coordination with other Federal, state, local or other law enforcement agencies as appropriate.
 - 2) Steps for initial reporting and notification of escapes through the local office supervisory and management chain to the Headquarters level of the Directorate. These steps must include notification in a Significant Incident Report through the Significant Event Notification (SEN) system.
 - 3) Strategies to be applied in order to locate and arrest the person who escaped.
 - 4) Steps for making any specific notifications required for aliens or juveniles who have escaped when those are appropriate.
 - 5) A management tracking system that records all reported information on escapes and all actions taken for each individual escape.
 - 6) Procedures for conducting an inquiry and preparing a follow-up report of escapes by the local field office where the escape occurred.
 - 7) Procedures for notifying the ICE Office of Professional Responsibility (OPR) in instances where employee misconduct or criminal acts appear to be related to escapes.

- 8) A review process at the ICE Headquarters level within each Directorate to examine potential causes of each escape and to identify and implement corrective actions where appropriate.
 - 9) Procedures for providing information to NFFTU on every escape for incorporation into ICE's use of force training as appropriate.
 - 10) All completed plans are to be marked, handled, and protected as law enforcement sensitive, as appropriate.
- 5.2. The Directorates are encouraged to develop and use checklists or worksheets as part of their escape response procedures.
 - 5.3. All ICE law enforcement personnel must receive initial training on these escape response procedures upon assignment to their respective office and annually thereafter. Each Directorate must maintain a record of the completion of this training.
 - 5.4. ICE Contracting Officers must ensure that detention contracts include provisions that require the contractor to notify ICE of any escape. The Contracting Officer's Technical Representative must ensure these provisions are adhered to locally for each contract monitored.
 - 5.5. For any facility that detains individuals on behalf of ICE as part of an Intergovernmental Service Agreement, the appropriate ICE representative responsible for overseeing the agreement on behalf of ICE must ensure processes are established for reporting escapes as part of that agreement.
6. **Recordkeeping.** The response plans that the Directorates develop pursuant to this Directive will be stored and published on their respective intranet sites.
 7. **Authorities.**
 - 7.1. 8 United States Code (U.S.C.) § 1226. Apprehension and Detention of Aliens.
 - 7.2. 8 U.S.C. § 1231. Detention and Removal of Aliens Ordered Removed.
 - 7.3. 8 U.S.C. § 1357. Powers of immigration officers and employees.
 - 7.4. 18 U.S.C. § 751. Prisoners in custody of institution or officer.
 - 7.5. 18 U.S.C. § 752. Instigating or assisting escape.
 - 7.6. 19 U.S.C. § 1589a. Enforcement authority of customs officers.
 8. **Attachments.** None.

9. **No Private Rights Statement.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; contractors or any other person.

A handwritten signature in black ink, appearing to read "John Morton", with a long horizontal flourish extending to the right.

John Morton
Director
U.S. Immigration and Customs Enforcement