

U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

JUL 14 2006

MEMORANDUM FOR: Field Office Directors

FROM: John P. Torres
Acting Director

A handwritten signature in black ink, appearing to read "John P. Torres".

SUBJECT: Escape Reporting

1. PURPOSE AND SCOPE

This directive requires that the escape of an alien from U.S. Immigration and Customs Enforcement, Detention and Removal Operations (ICE/DRO) custody be reported, tracked, and investigated. It applies to **Field Offices** and all facilities housing ICE/DRO detainees.

While the procedures in this directive are applicable to the escape of a juvenile alien, more detailed requirements may also be found in Chapter 8 of the **Juvenile Protocol Manual**, referenced below.

The expected outcomes of this directive are:

- Appropriate law enforcement officials will be immediately notified of the escape of an alien from ICE/DRO custody.
- The respective Field Office will be immediately notified of an escape.
- Each escape will be tracked through the National Escape Tracking System (NETS).
- Each escape of a juvenile alien will be reported to the Headquarters National Juvenile Coordinator.
- Each escape of an alien will be investigated by the respective Field Office Director.
- The investigation report of every escape incident will be reviewed by the ICE / DRO Headquarters Detention Management Division.

2. AUTHORITIES/REFERENCES

American Correctional Association 4th Edition Standards for Adult Local Detention Facilities: 4-ALDF-1C-05.

ICE/DRO Detention Standard on **Emergency Plans** that requires that each facility have in place contingency plans to respond quickly and effectively to escape situations and that staff be initially and annually trained on those plans.

ICE/DRO Detention Standard on **Transportation** that details requirements if a detainee escapes while being transported.

ICE/DRO Juvenile Protocol Manual.

3. SUPERSEDED/CANCELLED POLICY

This is a new directive that incorporates the requirements for escape reporting originally communicated via e-mail dated 8/9/2004 from the Deputy Assistant Director, Removal Management Division.

4. PROCEDURES

A. Initial Facility Response and Notification

The facility administrator shall:

1. Implement local facility escape procedures and immediately notify local, state, and federal law enforcement officials, as required by the Detention Standard on **Emergency Plans**.
2. Ensure that the respective Field Office is immediately notified. Ordinarily, in a Contracted Detention Facility (CDF), notification will be through the facility's ICE/DRO Contracting Officer Technical Representative (COTR) and, in an Inter-Governmental Service Agreement (IGSA) facility, the ICE/DRO representative.
3. Within one hour of discovery, the escape shall be reported to the nearest U. S. Marshals Service office if the escapee was:
 - Convicted of a criminal violation, and/or
 - Paroled for deportation prior to the completion of his or her sentence.
4. For a **juvenile alien**, the Field Office Juvenile Coordinator must also be notified. The Field Office Juvenile Coordinator is required to notify the Headquarters National Juvenile Coordinator.

B. Field Office Notification and Reporting

The Field Office shall:

- Immediately report the escape through the Significant Incident Reporting (SIR) system.
- Within 24 hours, forward an Escape Report (Attachment A) to DRO Headquarters, Detention Management Division.

C. (b)(7)(E)

The Detention Management Division shall maintain a (b)(7)(E) Database (b)(7)(E) that tracks each escape by its assigned (b)(7)(E)

All further correspondence regarding the escape must reference the (b)(7)(E) number.

D. Field Office Investigation and Recommendations

The Field Office Director shall conduct an investigation into the circumstances of the escape.

While the extent of the investigation is dependent on the circumstances, each investigation must at minimum include the following:

- The cause of the escape.
- Whether proper custody procedures were followed.
- What law enforcement authorities were notified, and when.
- What attempts were made to apprehend the alien; and
- Recommendations for corrective or disciplinary action, if applicable.

If the investigation determines that the escape was the result of improper procedures with the escorting officer or contract guard, or there is evidence of legal impropriety, the Office of Internal Audit must be notified and the report so noted.

The investigator assigned by the Field Office Director shall compile a written report that includes:

- Memoranda detailing the escape from each of the officers and/or agents involved.
- Memoranda detailing any reviews by the first or second line supervisors.
- The Field Office Director's summary/conclusion memorandum that:
 - Makes a determination whether proper procedures were observed and provides any recommendations for procedural changes.
 - Recommends whether disciplinary action or further investigation is warranted.

E. DRO Headquarters Review

Within 30 days of the escape, the Field Office Director shall transmit the completed written report to the Detention Management Division.

If any ongoing investigation precludes meeting the 30-day deadline, an **interim report** shall be forwarded with an appropriate explanation.

In the event of an escape of a **juvenile alien**, the National Juvenile Coordinator within the Detention Management division shall review all information relating to the investigation and make appropriate recommendations.

The Deputy Assistant Director for the Detention Management Division shall review the investigation reports and:

- Concur and close the escape, or
- Request further clarification and or action.

5. ATTACHMENTS

Escape Worksheet to be faxed to the Detention Management Division.