July 3, 2013

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL: CBPFOIA@dhs.gov

U.S. Customs and Border Protection
FOIA Division
799 9th Street NW, Mint Annex
Washington, DC 20229-1181
CBPFOIA@dhs.gov

Re: Freedom of Information Act (FOIA) Request

Dear FOIA Officer:

Americans for Immigrant Justice (AI Justice) submits this request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, et. seq. (hereinafter the “Request”).

REQUEST FOR INFORMATION

AI Justice requests disclosure of any and all records\(^1\) that were prepared, received, transmitted, collected and/or maintained by the U.S. Department of Homeland Security (DHS) and/or U.S. Customs and Border Protection (CBP)\(^2\) that describe, refer or relate to CBP’s national policy for the short-term custody of persons arrested or detained by Border Patrol agents/officers and detained in hold rooms/cells at Border Patrol stations, checkpoints, processing facilities, and any other facilities that are under the control of CBP and used to detain persons for any period of time.

Specifically, please produce those records describing, referring or relating to:

\(^1\) The term “records” as used herein includes all records or communications preserved in electronic or written form, including but not limited to correspondence, directives, documents, data, videotapes, audiotapes, emails, faxes, files, guidance, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, technical specifications, training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

\(^2\) The term “CBP” as used herein means CBP headquarters offices, including any divisions, subdivisions or sections therein, CBP field operations offices, including any divisions, subdivisions or sections therein; CBP offices at ports of entry, including any divisions, subdivisions or sections therein; and any other CBP organizational structures and offices.
From January 2008 through June 2013, all memoranda, reports, correspondence, communications, or other documentation reflecting, recording or stating the number of detainees held on a daily, weekly and monthly basis at each CBP Station at Brownsville CBP Station, Corpus Christi CBP Station, Falfurrias CBP Station, Fort Brown CBP Station, Harlingen CBP Station, Kingsville CBP Station, McAllen CBP Station, Rio Grande City CBP Station, and Weslaco CBP Station (hereinafter collectively referred to as the Rio Grande Valley Sector).

Guidance, guidelines, directives, rules, policies, procedures or other documents that address questioning of individuals apprehended by DHS and/or CBP agents and transported to the Rio Grande Valley Sector.

Guidance, guidelines, directives, rules, policies, procedures or other documents that address the documentation of detainee concerns about cell conditions and/or detainee health concerns at CBP Stations in the Rio Grande Valley Sector.

Guidance, guidelines, directives, rules, policies, procedures or other documents that address translation services provided for detainees at CBP Stations in the Rio Grande Valley Sector.

From January 2008 through June 2013, all memoranda, reports, correspondence, communications, or other documents regarding compliance with and application of CBP policy as set forth in the memorandum titled “U.S Border Patrol Policy, Subject: Detention Standards, Reference Number: 08-11267, Date: January 31, 2008,”³ (hereinafter “Detention Standards”) including the following:

a) An unredacted copy of the Detention Standards.

b) All memoranda, reports, correspondence, communications, or other documents regarding compliance with Detention Standards ¶ 6.2.1.

c) All memoranda, reports, correspondence, communications, or other documents regarding compliance with Detention Standards ¶ 6.2.2, including documentation specifically relating to “[t]he PAIC or the senior shift supervisor” being “notified of all detentions at the station level that reach or exceed 24 hours,” and documentation reflecting what, if any, actions were taken to “make every effort to promptly move the detainee(s).”

d) All memoranda, reports, correspondence, communications, or other documents regarding compliance with Detention Standards ¶ 6.2.3, including documentation specifically relating to “[t]he Sector Staff Duty Officer” being “notified when the detention period reaches or exceeds 72 hours” and documentation reflecting what, if any, actions were taken to

³ A copy of the CBP Detention Standards, redacted by CBP, is attached at Exhibit A for your reference.
comply with the requirement that the “Staff Duty Officer or their designee shall make every effort to promptly move the detainee(s).”

e) All memoranda, reports, correspondence, communications, or other documents regarding compliance with Detention Standards ¶ 6.2.4, including but not limited to documentation relating or concerning compliance with all the notification requirements delineated in Detention Standards ¶ 6.2.4 concerning an “unaccompanied alien child (UAC).”

(6) From January 2008 through June 2013, a copy of each and every “Master Detention Log” also known as or referred to as the “ENFORCE apprehension log” for each and every CBP Station and facility in the Rio Grande Valley Sector. See Detention Standards ¶ 6.4.1

(7) From January 2008 through June 2013, a copy of each and every I-216 created in ENFORCE for detainees in the Rio Grande Valley Sector. See Detention Standards ¶ 6.4.2.

(8) From January 2008 through June 2013, a copy of each and every log created and maintained in compliance with Detention Standards ¶ 6.5.2 requiring that “[h]olding cells [of UAC] must be physically checked regularly and recorded in a log.”

(9) From January 2008 through June 2013, a copy of each and every “Alien Booking Record (I-385)” created in ENFORCE for detainees in the Rio Grande Valley Sector. See Detention Standards ¶ 6.6.

(10) All memoranda, reports, correspondence, communications, or other documents regarding compliance with Detention Standards ¶ 6.7.2, including but not limited to documentation relating or concerning evaluation of detainees by “qualified personnel” as fully set forth in Detention Standards ¶¶ 6.7.2–6.7.5.

(11) From January 2008 through June 2013, any and all plans on communications enacted in response to any inspection or review of the operations of any CBP station in the Rio Grande Valley Sector.

(12) All memoranda, reports, correspondence, communications, or other documents regarding the procedures and policies surrounding the detention of unaccompanied alien children (UAC) in CBP Stations in the Rio Grande Valley Sector, including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.5.2, demanding in relevant part that “unaccompanied alien children require direct supervision.” In addition, we request all documentation reflecting compliance with Detention Standards ¶ 6.24.3, requiring in relevant part, that “all juveniles will be processed expeditiously,” ¶ 6.24.4 “juveniles must be separated from unrelated adults whenever practicable,” and ¶ 6.24.6 “juveniles detained longer than 24 hours will be given access to basic hygiene articles, a blanket and a mattress (a pillow is optional).”
(13) All memoranda, reports, correspondence, communications, or other documents regarding the procedures and policies for those items detainees are permitted to keep in their possession while in custody in CBP Stations in the Rio Grande Valley Sector, including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.12 and ¶ 6.13 respectively, requiring in relevant part that purses, handbags, and backpacks “will be secured separately from the detainee until release or removal,” and “all items belonging to the detainee will be properly receipted and placed in a secure area.”

(14) All memoranda, reports, correspondence, communications, or other documents regarding the policies and procedures for how often—if ever—clean clothes are provided for detainees in CBP Stations in the Rio Grande Valley Sector.

(15) All memoranda, reports, correspondence, communications, or other documents regarding the provision of shower facilities in CBP Stations in the Rio Grande Valley Sector, including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.14, requiring in relevant part that “agents will make reasonable efforts to provide a shower for any detainee held for more than 72 hours.”

(16) All memoranda, reports, correspondence, communications, or other documents regarding the distribution of hygiene products, sanitary napkins, soap, toothbrushes, toothpaste, and toilet paper for detainees in CBP Stations in the Rio Grande Valley Sector, including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.14 and ¶ 6.10 respectively, requiring in relevant part that “detainees that are showering will be provided a clean towel and basic toiletries,” and “detainees using restrooms will have access to toilet items, such as soap, toilet paper, and sanitary napkins.”

(17) All memoranda, reports, correspondence, communications, or other documents regarding the number of toilets and sinks provided in each holding cell and the adequacy of privacy of restroom facilities in CBP Stations in the Rio Grande Valley Sector, including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.10, requiring in relevant part that adequate “restrooms will be available to detainees.”

(18) From January 2008 through June 2013, all memoranda, reports, correspondence, communications, or other documents regarding the number of meals provided and a description of the meals provided to detainees in CBP Stations in the Rio Grande Valley Sector, including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.8, requiring in relevant part that “[d]etainees will be provided juice and snacks every four hours;” “two of three meals will be hot;” and “. . . pregnant women will have regular access to snacks, milk or juice at all times.”

(19) All memoranda, reports, correspondence, communications, or other documents concerning the quality and amount of potable drinking water available to
detainees at CBP Stations in the Rio Grande Valley Sector including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.9, requiring in relevant part that “potable drinking water will be available to detainees,” and “the supervisor is responsible for ensuring that drinking water is available.”

(20) All memoranda, reports, correspondence, communications, or other documents concerning the frequency of general cleaning and sanitation procedures and trash removal in holding cells in CBP Stations in the Rio Grande Valley Sector, including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.16, requiring in relevant part that “supervisors will ensure that detention cells are regularly cleaned and sanitized.”

(21) All memoranda, reports, correspondence, communications, or other documents concerning the temperature at which CBP detention cells, search rooms, and hold rooms at CBP Stations in the Rio Grande Valley Sector are maintained.

(22) All memoranda, reports, correspondence, communications, or other documents regarding sleeping arrangements, the time lights are turned off, the number of mattresses, and amount of bedding provided for detainees at CBP Stations in the Rio Grande Valley Sector including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.11, requiring in relevant part that “detainees requiring bedding will be given clean bedding,” and “this bedding will be changed every three days and cleaned before it is issued to another detainee.”

(23) From January 2008 through June 2013, all memoranda, reports, correspondence, communications, or other documents regarding the provision of medical care for detainees, including the number of hospitalizations of detainees while in custody at CBP Stations in the Rio Grande Valley Sector, including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.6, requiring in part that “the alien booking record will be created in ENFORCE and [will] contain...an annotation indicating that the person has a medical condition that requires medical care or prescribed medication, has a communicable disease, is suffering from depression, or appears to be suicidal.”

(24) All memoranda, reports, correspondence, communications, or other documents regarding the square footage, size and/or dimensions of detention cells and hold rooms in CBP Stations in the Rio Grande Valley Sector.

(25) All memoranda, reports, correspondence, communications, or other documents regarding the number of detainees that can be detained in detention cells and hold rooms in CBP Stations in the Rio Grande Valley Sector, including but not limited to all documentation reflecting compliance with Detention Standards ¶ 7.1.2, requiring in part that “detention space capacity will not be exceeded.”
(26) All memoranda, reports, correspondence, communications, or other documents regarding the policies, procedures, and/or instructions on transferring detainees to other CBP Stations in the Rio Grande Valley Sector.

(27) From January 2008 through June 2013, the total number of detainee injuries, including attempted suicides, while in CBP custody at CBP Stations in the Rio Grande Valley Sector, including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.6(j), requiring in relevant part that the Alien Booking Record will be created in ENFORCE and will include “an annotation indicating that the person appears to be suicidal.”

(28) From January 2008 through June 2013, the total number of detainee suicides while in CBP custody at CBP Stations in the Rio Grande Valley Sector.

(29) From January 2008 through June 2013, the total number of detainee deaths while in CBP custody at CBP Stations in the Rio Grande Valley Sector.

(30) From January 2008 through June 2013, the total number of detainees that were victims of sexual abuse\(^4\) while in CBP custody at CBP Stations in the Rio Grande Valley Sector.

(31) From January 2008 through June 2013, the total number of detainees held in CBP facilities that suffered from communicable diseases while in CBP custody at CBP Stations in the Rio Grande Valley Sector, including but not limited to all documentation reflecting compliance with Detention Standards ¶ 6.6(j) and ¶ 6.7.1 respectively, requiring in relevant part that the Alien Booking Record will be created in ENFORCE and will include “an annotation indicating that the person has a communicable disease,” and “detainees needing medical attention or showing signs of serious infectious disease or contagion” are “evaluated by qualified personnel” and will be given medical attention as soon as possible.

(32) From January 2008 through June 2013, the total number of detainees held in CBP facilities that died from communicable diseases while in CBP custody at CBP Stations in the Rio Grande Valley Sector.

(33) All memoranda, reports, correspondence, communications, or other documents regarding the policies, procedures, and/or instructions for placing a detainee in segregation in CBP Stations in the Rio Grande Valley Sector.

\(^4\) For purposes of this FOIA request, we use the term “sexual abuse” generally to encompass all forms and degrees of sexually-based harm, including but not limited to all types of sexual contact—both attempted or accomplished—through force, threats, coercion, or intimidation; sexual assault; sexual harassment; unwelcome sexual advances; and gestures or actions of a derogatory or offensive sexual nature.
REQUEST FOR WAIVER OF ALL COSTS

AI Justice requests that all fees associated with this FOIA request be waived. AI Justice is entitled to a waiver of all costs because disclosure of the information is "... likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor." 5 U.S.C. § 522(a)(4)(A)(iii). See also 6 C.F.R. § 5.11(k) (Records furnished without charge or at a reduced rate if the information is in the public interest, and disclosure is not in commercial interest of institution). In addition, AI Justice has the ability to widely disseminate the requested information. See Judicial Watch v. Rossotti, 326 F.3d 1309 (D.C. Cir. 2013) (finding a fee waiver appropriate when the requester explained, in detailed and non-conclusory terms, how and to whom it would disseminate the information it received).

i. Disclosure of the Information is in the Public Interest

AI Justice aims to protect and promote the basic human rights of immigrants through a unique combination of free direct services, impact litigation, policy reform, and public education at local, state, and national levels. Grounded in real-world, real-people experience, AI Justice’s direct work with immigrant clients informs its broader policy work. Its multiculturally and multilingual staff works to build alliances between immigrant and nonimmigrant groups, including government, civic, social and faith-based communities. Advocates involved in immigration issues, the national media, and federal and state policy makers, consider AI Justice to be one of the most effective national groups fighting for immigrant justice.

With Comprehensive Immigration Reform on the horizon in Congress, immigration issues make up a major segment of the public discourse. Increasingly covered by U.S. media outlets, information regarding immigration matters is much more widely disseminated than ever before.\(^5\)\(^6\)

Border security and an exponential increase in the number of CBP officers surrounds much of the dialogue surrounding Comprehensive Immigration Reform. Disclosure of the requested information will contribute significantly to public understanding of noncitizens’ information about CBP stations and detention conditions in CBP holding cells. The disclosed records will inform attorneys about detention conditions in CBP holding cells, the noncitizens themselves, and other members of the public who are concerned with the detention conditions of CBP holding cells. AI Justice has the capacity and intent to disseminate widely the requested information to the public. To this end, AI Justice will post the information on the AI Justice website, draft a report and hold a press conference,


disseminate the report to other immigration advocacy groups and members of Congress.

ii. **Disclosure of the Information is Not Primarily in the Commercial Interest of the Requester**

AI Justice is a 501(c)(3), tax-exempt, not-for-profit, charitable legal services organization. AI Justice’s work encompasses advocating for the basic human rights of immigrants through direct representation, policy reform, impact litigation, and public education. Therefore, AI Justice has no commercial interest that could be furthered by any FOIA request. Immigration attorneys, noncitizens and any other interested member of the public may obtain information about CBP detention policies and practices on AI Justice’s frequently updated website. As stated above, AI Justice seeks the requested information for the purpose of disseminating it to members of the public who access AI Justice’s website and not for the purpose of commercial gain.

Please inform us if the charges for this FOIA production will exceed $50.00.

Thank you in advance for your response to this request within twenty working days, as FOIA requires. See 5 U.S.C. § 552(a)(6)(A)(i). Should you have any questions or concerns, please feel free to contact me at (305) 573-1106, ext. 1380, or via email at ljimenez@aijustice.org.

Sincerely,

[Signature]

Losmin Jimenez
Litigation Attorney
EXHIBIT A
U.S. BORDER PATROL POLICY

SUBJECT: DETENTION STANDARDS
Reference Number: 08-11267
DATE: January 31, 2008

HOLD ROOMS AND SHORT TERM CUSTODY

1. PURPOSE. This directive establishes national policy for the short-term custody of persons arrested or detained by Border Patrol Agents and detained in hold rooms at Border Patrol stations, checkpoints, processing facilities, and other facilities that are under the control of U.S. Customs and Border Protection (CBP).

2. AUTHORITIES/REFERENCES.

2.1. Title 8, United States Code, Section 236

2.2. Title 8, Code of Federal Regulations, Section 236

2.3. Border Patrol Handbook

2.4. Officers Handbook (M-68)

2.5. The Law of Arrest, Search and Seizure for Immigration Officers (M-69)


2.9. Immigration and Customs Enforcement guidelines on age determination.

3. DEFINITIONS.

3.1. Bedding. Any combination of pillow, sheets, blanket, sleeping bag, or mattress.

3.2. Custody. The period of time in which a detainee is under arrest or is detained in a Border Patrol hold room.
3.3. **Hold Room.** An area such as a detention cell, a search room, or an interview room in which detained persons are temporarily held pending processing or transfer.

3.4. **Open Area.** An area within a secure facility where the detainee is not in a locked room but where there are locked doors to prevent escape (e.g., a processing room).

3.5. **Direct Supervision.** Detaining a person in a location where the employee assigned detention duties can constantly observe or hear the detainee.

3.6. **Family Group.** and juveniles in custody at the same time and place.

3.7. **Intermittent Supervision.** Detaining a person in a hold room where a detainee may be occasionally out of view and/or hearing of the employee assigned detention duties.

3.8. **Juvenile.** A person under 18 years of age.

3.8.1. Persons under the age of 18 who have been emancipated by a state court or convicted and incarcerated for a criminal offense as an adult are NOT considered juveniles. Such individuals must be treated as adults for all purposes, including confinement and release on bond.

3.8.2. If a reasonable person would conclude that an individual claiming to be a juvenile is really an adult, that person will be treated as an adult for all purposes, including transportation, confinement, and release on bond or own recognizance. Age determination will be conducted, if necessary, in accordance with Immigration and Customs Enforcement guidelines on age determination.

3.8.3. An unaccompanied alien child (UAC) is defined in Section 462 (g) (2) of the Homeland Security Act of 2002 as a child who:

a. Has no lawful immigration status in the United States;

b. Has not attained 18 years of age; and

c. With respect to whom—

   1. There is no parent or legal guardian in the United States; or

   2. No parent or legal guardian in the United States is available to provide care and physical custody.

4. **RESPONSIBILITIES.**
4.1. The Chief, Office of Border Patrol, is responsible for policy oversight, which includes formulating and implementing guidelines and procedures.

4.2. Chief Patrol Agents (CPAs) are responsible for managing the implementation of this program at the sector level and monitoring compliance with the procedures to ensure uniformity of application, as well as for ensuring that all employees under their direction receive proper training concerning this policy and these procedures.

4.3. Patrol Agents in Charge (PAIC) are responsible for monitoring compliance at the station level.

4.4. Supervisory Border Patrol Agents are responsible for fulfilling all of their duties specified herein, and for ensuring that Border Patrol Agents under their direction are familiar with this policy and these procedures, and comply with them.

5. POLICY.

5.1. All persons arrested or detained by the Border Patrol will be held in facilities that are safe, secure, and clean. Detainees will be provided food, water, properly equipped restrooms and hygiene supplies as set forth in this directive.

5.2. Detainees will be promptly processed and turned over to U.S. Immigration and Customs Enforcement (ICE), Office of Detention and Removal Operations (DRO); the Office of Refugee Resettlement (ORR); the U.S. Marshals Service; or an other agency (OA), as appropriate.

6. PROCEDURES.

6.1. Detention Cells, Search Rooms, and Hold Rooms.

6.1.1. Supervisors are responsible for designating areas as detention cells, search rooms, and/or hold rooms and ensuring that employees under their direction are familiar with such designations and intended uses. Dual designation of a particular room is authorized, i.e., a detention cell may also be used as a search room.

6.2. Duration of Detention.

6.2.1. Whenever possible, a detainee should not be held for more than 12 hours. Every effort will be made to promptly process, transfer, transport, remove, or release those in custody as appropriate and as operationally feasible.
6.2.2. The PAIC or the senior shift supervisor will be notified of all detentions at the station level that reach or exceed 24 hours, and they shall make every effort to promptly move the detainee(s).

6.2.3. The Sector Staff Duty Officer must be notified when the detention period reaches or exceeds 72 hours, and the Staff Duty Officer or their designee shall make every effort to promptly move the detainee(s).

6.2.4. When the detainee is an unaccompanied alien child (UAC), every effort must be made to move them out of the Border Patrol facility and into ORR placement within 12 hours; however, there are times when placement by ORR may take longer than 12 hours. The PAIC must be notified immediately when a UAC’s detention exceeds 24 hours; however, it is strongly encouraged that the PAIC be notified when the detention exceeds 12 hours. The PAIC or their designee will ensure that the ICE/DRO Field Office Juvenile Coordinator (FOJC) has been notified and ensure that the UAC is being held in accordance with this policy. The reason for the extended detention and the time and date that the PAIC and FOJC were notified will be documented in the Unaccompanied Alien Children Detention Log and retained for a period of two years.

6.2.4.1. In accordance with the Flores v. Reno Stipulated Settlement Agreement, UAC must be placed in an ORR-approved facility within 72 hours. In cases where the PAIC has reason to believe that the UAC’s detention will exceed 72 hours or exceeds 72 hours, the PAIC or their designee will notify a sector staff officer immediately. This notification may occur well before the 72 hour time period is reached if information is provided at an earlier time that indicated the UAC placement won’t be met under current conditions. The sector staff officer will contact the local ICE DRO Field Office Director for assistance and intervention.

6.2.4.2. Under extenuating circumstances, the maximum time allowed for placing UAC in an ORR-approved facility is five days. In cases where UAC are detained longer than five days, sector staff will immediately contact the DRO liaison officer at the Office of Border Patrol via telephone and e-mail for further guidance and assistance, ensuring that all pertinent information and actions taken thus far are provided. Sector staff may contact the DRO liaison officer earlier when they deem appropriate or necessary.

6.3. Exceptions to Short-Term Detention in Border Patrol Hold Rooms.

6.3.1. Agents will expedite processing of detained persons who are or UACs.

6.3.2. If circumstances permit, should not be detained in a Border Patrol hold. The determination to place these detainees in a hold room.
should be made on a case-by-case basis. Some factors that need to be considered when making this decision are (b)(7)(E) 
(b)(7)(E) & (b)(7)(F)

6.3.3. (b)(7)(E) & (b)(7)(F)

(b)(7)(E) & (b)(7)(F) 

6.3.4. (b)(7)(E) & (b)(7)(F)

(b)(7)(E) & (b)(7)(F)

6.3.5. Direct supervision and control of detainees must be maintained at all facilities that do not have hold rooms.


6.4.1. The ENFORCE apprehension log will serve as the master detention log. It will contain at a minimum the detainee's:

   a. Name
   b. Sex
   c. Age and date of birth
   d. Alien registration number
   e. Nationality
   f. Reason detained
   g. Final disposition
6.4.2. Any alien detained in custody for removal proceedings or voluntarily returned must be transferred via an I-216 created in ENFORCE.

6.5. **Hold Room Monitoring.**

6.5.1. Although video surveillance is an outstanding tool, it is not a replacement for physical checks. Holding cells must be physically checked regularly. Physical checks give processing agents better control of the aliens in their hold rooms, provide a deterrent for misconduct, and provide detainees with an opportunity to communicate issues such as health or safety concerns to the processing agent.

6.5.2. **Juveniles.** Unaccompanied alien children require direct supervision. Physical checks are a critical aspect of monitoring UACs. Holding cells must be physically checked regularly and recorded in a log. Each station will be responsible for creating a hold room check sheet to verify the physical checks of juveniles.

6.5.3. **(b) (7)(E)**

6.6. **Alien Booking Record (I-385).** An Alien Booking Record (I-385) will be generated for each detainee that requires special handling (i.e., a detainee held for prosecution or removal or a detainee awaiting a voluntary return with a medical condition, or an unaccompanied juvenile). The Alien Booking Record will be posted near the entrance to the hold room or in a secure area. Any medical alerts (e.g., diabetic requiring injections) or significant remarks (e.g., high risk detainee or escape risk) will be annotated on the Alien Booking Record. The sheet will be maintained until the detainee is released from CBP custody. The fact that a detainee may have a medical alert or significant remark on his or her Alien Booking Record will be communicated during shift change briefings and musters to all Border Patrol Agents assigned detention duties or to processing areas. The Alien Booking Record will be created in ENFORCE and contain the following detainee information:

- **a. Name**
- **b. Alias**
c. Sex

d. Date of birth

e. Place of birth

f. Country of citizenship

g. Alien registration number

h. Date apprehended

i. Responsible station or office

j. Medical alert—an annotation indicating that the person has a medical condition that requires medical care or prescribed medication, has a communicable disease, is suffering from depression, or appears to be suicidal.

k. Remarks—for example, the person is an escape or flight risk, is a high risk detainee, is an asylum claimant, or is an accompanied or unaccompanied alien child.

6.7. Medical Issues.

6.7.1. Detainees needing medical attention or showing signs of serious infectious disease or contagion (tuberculosis, severe acute respiratory syndrome, pandemic influenza, etc.) will be handled as set forth in this section:

6.7.2. Such detainees will be evaluated by qualified personnel:

a. an emergency medical technician (EMT) or a paramedic (Border Patrol or local); or

b. a physician, physician's assistant, or nurse practitioner.

6.7.3. (b) (7)(E) 
Masks should be made available for the detainee and agents should encourage their use. Agents will wear appropriate personal protective equipment while exposed to the person.

6.7.4. A supervisor will be notified as soon as possible of detainees needing medical attention.
6.7.5. **Medications.** Border Patrol Agents will not administer or inject any medication unless they are certified EMTs or paramedics practicing under the direction of a medical director and the administration of such medicine is within their scope of practice and is authorized under the protocols of their medical practice. Medication prescribed in the United States, in a properly identified container, with the specific dosage indicated, may be self-administered under the supervision of a Border Patrol Agent. Administration of prescribed medication, medical assistance, or refusal of the same will be noted on the Alien Booking Record. Medications will not be left in the possession of the detainee. They will be secured separately, preferably with the detainee’s property. 

6.8. **Meals.** Detainees will be provided snacks and juice every four hours. Detainees whether in a hold room or not, will be provided a meal if detained more than 8 hours or if their detention is anticipated to exceed 8 hours. Regardless of the time in custody, juveniles will be provided with meal service, and at least every six hours thereafter; two of three meals must be hot. Juveniles, small children, toddlers, babies, and pregnant women will have regular access to snacks, milk, or juice at all times. When an adult detainee requests a snack or meal before the next meal service, the processing agent may grant the request on the basis of the circumstances. Agents should be sensitive to the culinary, cultural, and religious dietary restrictions and/or differences of all detainees and should provide a meal that conforms to the dietary restrictions, if feasible.

6.9. **Drinking Water.** Potable drinking water will be available to detainees. The supervisor is responsible for ensuring that drinking water is available.

6.10. **Restrooms.** Restrooms will be available to detainees. Detainees using the restrooms will have access to toilet items, such as soap, toilet paper, and sanitary napkins. Families with small children will also have access to diapers and wipes.

6.11. **Bedding.** Detainees requiring bedding will be given clean bedding. Only one detainee will use this bedding between cleanings. This bedding will be changed every three days and cleaned before it is issued to another detainee. Vinyl or rubber-coated mattresses will be disinfected before being reissued.

6.12. **Inspection of Personal Property.** Purses, handbags, backpacks, and luggage will be inspected for weapons and contraband. They will be secured separately from the detainee until release or removal.

6.13. **Control and Safeguarding of Detainees’ Personal Property.** The control and safeguarding of detainees’ personal property will include the secure storage of funds, valuables, baggage, and other personal property. All property will be receipted on the appropriate Form I-77. All items belonging to the detainee will be properly receipted and placed in a secure area.
6.13.1. All property and legal papers that are in the juvenile's possession, or are served upon the juvenile during processing, shall accompany the juvenile upon transfer to any other agency or facility. Property of the juvenile that is in the custody of the Border Patrol that exceeds the limit of the transporting agency shall be shipped to that facility in a timely manner.

6.14. **Showers.** Agents will make reasonable efforts to provide a shower for any detainee held for more than 72 hours. Detainees that are showering will be provided a clean towel and basic toiletries. Agents will make every reasonable effort to provide unaccompanied alien children who are held more than 48 hours with access to a shower and clean towel, clean clothing, and basic hygiene articles as soon as practicable. These items may be provided to UACs sooner, depending on availability and the condition of the juvenile.

6.15. **Inspection.** Detention cells will be routinely inspected for evidence of tampering.

6.16. **Cleaning and Sanitization.** Supervisors will ensure that detention cells are regularly cleaned and sanitized. Employees will not be expected nor required to perform such tasks.

6.17. **Smoking.** Smoking is prohibited in hold rooms.

6.18. **Evacuation.** Every station will have an evacuation plan and will post it in the processing area. The PAIC is responsible for ensuring that agents are familiar with procedures in the evacuation plan.

6.19. **Search Procedures.** All detainees that are under arrest will be thoroughly searched before being placed into a Border Patrol hold room. Detainees may not be strip searched unless there is a reasonable suspicion that a strip search of a particular detainee will yield weapons or contraband.

6.20. **Restraint Procedures.**

This should be annotated on an Alien Booking Record. Any detainee restrained in a holding room requires direct supervision.

6.21. **Telephones.** Persons detained more than 24 hours will be given access to a telephone for the purposes of contacting an attorney or other party as stated on the I-828 Notice of Rights and Request for Disposition and will be given access at a minimum of once per day until they are no longer in Border Patrol custody. Detainees who wish to make other than a local call must use a calling card or collect call. Processing agents may, at their discretion, grant telephone access to any alien. Unaccompanied alien children will be given access to telephones as soon as practicable to aid in locating family members.
6.22. Segregation. Unaccompanied alien children must be separated from unrelated adults and must not be detained with unrelated adults in the same holding room.

6.23. Privacy. Border Patrol hold rooms should have privacy screens in toilet areas whenever possible.

6.24. Juveniles. The following is a summary of guidelines from the *Flores v. Reno* Settlement Agreement, and the Homeland Security Act of 2002. The terms of the Settlement are binding and must be adhered to.

6.24.1. Access to Legal Counsel and Consular Officials. All UACs shall be advised of their rights as per Form I-770 *Notice of Rights and Request for Disposition*, which includes their right to make a telephone call to any persons mentioned in the notice. If the juvenile is under 14 or is unable to understand the form, the I-770 must be read and explained in a language that the juvenile understands. The UAC’s consular official must be notified as soon as possible, and notification of the UAC’s family must be in accordance with Form I-770. All UAC processed for removal must be given a list of free legal service providers. Each CPA, or designee, will ensure that the lists of free legal services providers are current, accurate, and provided to juvenile detainees. Free legal service providers must represent juveniles in removal proceedings. Updated lists will be distributed regularly to all Border Patrol stations.

6.24.2. Authority of the Office of Refugee Resettlement. ORR has assumed authority for decisions related to the care and placement of UACs detained in federal custody. The current procedure requires stations to immediately contact an ICE/DRO Field Office Juvenile Coordinator (FOJC) to coordinate UAC placement in an ORR facility.

6.24.3. Procedures for Processing Juveniles. All juveniles will be processed expeditiously and (b) (7)(E)

(b) (7)(E) As soon as practicable after determining that a detainee is a UAC and will require detention, the processing agent should contact an ICE/DRO FOJC to obtain pre-authorization to place the unaccompanied alien child with ORR. The agent must obtain pre-authorization from the FOJC regardless of a UAC’s anticipated time in detention and must provide the following information: the juvenile’s name, any aliases, alien registration number, country of citizenship, sex, date of birth, age, date of entry, place of entry, manner of entry, date of custody, custody location, and indication regarding whether or not the juvenile is a criminal or non-criminal. The FOJC must have this information to secure placement for the UAC with ORR. The FOJC will contact the local ORR representative who will locate an appropriate
placement and notify the FOJC when that is completed. The FOJC will coordinate the placement transfer.

6.24.4. Separation of Juveniles from Unrelated Adults. Juveniles must be separated from unrelated adults whenever practicable and must not be detained with unrelated adults in the same holding room. (b)(7)(E)&(b)(7)(F)

6.24.5. Transportation of Juveniles. Unaccompanied alien children arrested or taken into custody should not be transported in vehicles with detained adults when separate transportation is practical and available. When separate transportation is impractical, all necessary precautions should be taken for the juvenile's protection and well-being.

6.24.6. Requirements for Juvenile Hold Rooms. Juveniles detained longer than 24 hours will be given access to basic hygiene articles, a blanket, and a mattress (a pillow is optional), etc. If showers are available, the juveniles will be permitted to take one shower every 48 hours and be provided with a clean towel. Agents and supervisors may give these items and privileges to any juvenile at any time based on the availability and the condition of the juvenile.

6.24.7. All hold rooms used for unaccompanied alien children must provide access to the following:

a. Toilets and sinks
b. Drinking water
c. Adequate temperature control and ventilation
d. Clean blankets and mattresses
e. Meals, which must be offered every six hours (two of three meals must be hot)
f. Emergency medical assistance
g. Direct supervision

6.24.8. Unaccompanied Alien Children Detention Log. Each Border Patrol station must maintain a separate detention log (example attached) for all juveniles placed in custody. The log will be kept on file at the station for two years. The log will contain, at minimum, the following information about each juvenile:

a. Name
b. Sex

c. Age

d. Alien registration number

e. Nationality

f. Reason for placement

g. Date and time in

h. Date and time FOJC was notified

i. Date and time out (transferred or released)

j. Final disposition

k. Comments

l. Times that meals were provided

6.24.9. Meals. Juveniles must receive the next meal served, regardless of the time in custody and must have regular access to snacks, milk, juice, etc. Meals must be offered every six hours (two of three meals must be hot).

6.24.10. Transfers. Each station must complete an I-216 in ENFORCE for all UACs transferred to ORR or DRO custody. A hard copy of the I-216 will be kept on file at the station for two years for the purposes of auditing and oversight.

6.24.11. Training Requirements. The Border Patrol Academy will include training on the conditions of the Flores v. Reno Settlement Agreement as a part of Border Patrol basic training. All CPA’s, PAIC’s and Border Patrol Agents will take at least one hour per year of refresher training on Flores and associated Border Patrol policy. Pertinent training updates will be well-posted in Border Patrol station processing areas to ensure awareness and adherence.

6.24.12. Family Groups (with Juveniles). The following are examples of family groups as defined in section 4.6 of this directive. The following groups will be detained as a unit.

   a. (b) (7)(E)

   b. (b) (7)(E)

   c. (b) (7)(E)
6.24.13 Documentation. Times of meals, showers, telephone use, and visual checks of juveniles who are held in custody will all be recorded.

7. PERFORMANCE MEASUREMENTS. All detainees will be held under safe and humane conditions. Unaccompanied alien children in Border Patrol custody will be treated with dignity, respect and special concern for their particular vulnerability as minors.

7.1. Performance Measurement 1: All detainees will be held in appropriate conditions of confinement that ensure their safety and security. Juveniles will be held in the least restrictive setting appropriate for their age and special needs as minors.

7.1.1. Detainees are segregated according to sex, age, risk, family group.

7.1.2. Detention space capacity will not be exceeded.

7.1.3. Hold rooms will be kept clean and free of contraband and other potentially hazardous or dangerous materials.

7.2. Performance Measurement 2: All detainees will be held under humane conditions of confinement that provide for their well being and general good health.

7.2.1. Detainees have access to sanitary facilities and restrooms.

7.2.2. Detainees are provided food and water.

7.2.3. Detainees have access to appropriate medical services, prescriptions, medications, and emergency medical treatment.

7.2.4. Detention spaces are appropriately maintained and provide detainees with appropriate comfort items – housekeeping and clean bedding.

7.3. Performance Measurement 3: The time of detention for detainees is minimized.

7.3.1. The period of detention does not exceed 24 hours and commonly does not exceed 24 hours for UACs.

7.4. Performance Monitoring Tools:
   a. Sector and/or Station Detention Logs
b. Form I-216 Record of Persons and Property Transferred

c. Supervisor oversight

d. Local inspection programs

e. Reporting of deficiencies

f. Periodic compliance summary reports

8. CANCELLATION. This policy remains in effect until cancellation by an updated version.

9. NO PRIVATE RIGHTS CREATED. This document is an internal policy statement of U.S. Customs and Border Protection and does not create or confer any rights, privileges, or benefits on any person or party.

10. ATTACHMENTS.

Appendix 1: Unaccompanied Alien Children Detention Log

(b)(6)&(b)(7)(C)

David V. Aguilar
Chief
U.S. Border Patrol