

INS DETENTION STANDARD

DEFINITIONS

This document defines certain terms used in one or more INS detention standards.

A-FILE, ALIEN FILE—The legal file maintained by INS for each detainee. Contents include, but are not limited to passport, driver's license, other identification cards, and photographs; immigration history (prior record); and all documents and transactions relating to the detainee's immigration case

ACCREDITED REPRESENTATIVE—A person representing an organization whom the Board of Immigration Appeals has found qualified to practice before INS and/or the Board, in accordance with the regulations (see 8 CFR §§ 292.1 and 292.2).

ADMINISTRATIVE SEGREGATION—A form of separation from the general population used when the continued presence of the detainee in the general population would pose a threat to life, property, self, other detainees, or staff or to the security or orderly running of the facility. This housing status also includes detainees who require protective custody, those who cannot be placed in the local population because they are en route to another facility (holdovers), those who are awaiting a hearing before a disciplinary panel, and those requiring separation for medical reasons.

ADMISSION/ADMISSIONS PROCESS—In-processing of newly arrived detainees, which includes an orientation to the policies, programs, rules, and procedures of the facility. Classification, assignment to living quarters, various inspections, medical screening, and safeguarding of funds, valuables and other personal property is completed during this process.

AMBULATORY RESTRAINTS—"Soft" or "hard" equipment used to restrict a detainee's movement but leaving him/her able to eat, drink, or attend to basic bodily functions without staff intervention.

AMMUNITION CONTROL OFFICER (ACO) – An individual who has been designated, in writing, responsibility for the physical and administrative control of ammunition in the authorizing official's area of accountability.

ATTORNEY—A member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia; who is not under an order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting him/her in the practice of law (see 8 CFR § 1.1.(f)).

BODY-CAVITY SEARCH—The visual inspection or physical probing of body openings (anus, vagina, ears, nose, mouth, etc) where weapons, drugs, or other contraband could be secreted. This is the most intrusive means of searching an individual, reserved for instances where other search techniques have been considered but rejected as ineffective under the particular circumstances of the case. Body-cavity search procedures govern physical probes, but not look-only inspections.

For example, the procedures would not be appropriate for a *visual* inspection of the inside of the mouth, nose, or ears, unless contraband is found during the course of that inspection. Body-search procedures apply whenever contraband is found, because retrieving/seizing the item(s) will involve physical entry into or probing within the cavity (in this example, the mouth, nose, or ear).

CAUSTIC—Capable of burning, corroding, eroding, or destroying by chemical action.

CENSUS CHECK—See **INFORMAL COUNT**.

CHAIN OF COMMAND—Order of authority (rank): executive, senior management, senior staff, etc. The on-site order of authority at a detention facility descends from the Officer-In-Charge (OIC) to the Associate OIC to the Chief Detention Enforcement Officer/Chief of Security, Detention Operations Supervisor, etc.

CHEMICAL—A substance with a distinct molecular composition produced by or used in a chemical process.

CLASS R (RESTRICTED) TOOLS—Devices to which detainees are forbidden access except in the presence and constant supervision of staff for reasons of safety or security. Class R includes devices that can be used to manufacture or serve as weapons capable of doing serious bodily harm or structural damage to the facility. All portable power tools and accessories are in this category. Class R also includes ladders and other such items that are not inherently dangerous but could prove useful in unauthorized activities, e.g., escape attempts.

CLASSIFICATION—A process for assessing detainees on the basis of objective information about past behavior, criminal records, special needs, etc.; used to make housing and program assignments.

CLINICAL DIRECTOR (CD) —Responsible for the delivery of health care services to INS detainees.

COMBUSTIBLE LIQUID—A substance with a flash point at or above 100° Fahrenheit.

COMMISSARY—An area or system where detainees may purchase approved items.

CONSULTATION VISITATION—A discussion, either in person or by telephone, between a detainee subject to expedited removal and a person of the detainee's choosing.

CONTACT VISIT—A meeting between detainee and another person authorized to take place in an area free of obstacles or barriers that prevent physical contact.

CONTAINER—Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or other vessel holding a hazardous chemical; does not include pipes or piping systems.

CONTRABAND—Any unauthorized item in the facility: illegal, prohibited by facility rules, or otherwise posing a threat to the security or orderly operation of the facility. This includes unauthorized funds.

CONTRACT DETENTION FACILITY (CDF)—Provides detention services under a competitively bid contract awarded by the INS.

CONTROL OFFICER—Directs security activities from the Control Center.

COUNT SLIP—Documentation of the number of detainees confirmed present during a population count in a specific area, signed by the officers involved in the count.

CORRESPONDENCE—Letters, postcards and other forms of written material not classified as packages or publications. Large envelopes containing papers qualify as correspondence, but boxes, sacks, and other shipping cartons do not. Books, magazines, newspapers and other incoming printed matter are not “correspondence.”

CRIMINAL ALIEN—A foreign national convicted of one or more crimes.

DETAINEE HANDBOOK—The policies and procedures governing detainee life in the facility: daily operations, rules of conduct, sanctions for rule violations, recreation and other programs, services, etc.; defined in writing and provided to each detainee upon admission to the facility.

DETENTION FILE – Contents include receipts for funds, valuables, and other personal property; documentation of disciplinary action; reports on detainee behavior; detainee's written requests, complaints, and other communications; official responses to detainee communications; records from Special Management Unit, etc.

DIETICIAN—Individual registered or eligible for registration with the American Dietetic Association or who has the documented equivalent in education, training, or experience, with evidence of relevant continuing education.

DISCIPLINARY HEARING—Non-judicial administrative procedure to determine whether substantial evidence supports finding a detainee guilty of a rule violation.

DISCIPLINARY COMMITTEE—One or more impartial staff members who conduct and/or oversee a disciplinary hearing; see also “INSTITUTIONAL DISCIPLINARY PANEL.”

DISCIPLINARY SEGREGATION—Confinement in a cell removed from the general population after a serious violation of facility rules (in accordance with written procedures).

DIVISION OF IMMIGRATION HEALTH SERVICES (DIHS)—The U.S. Public Health Service division charged with advancing global disease prevention through the delivery of primary health care to INS detainees. Through a memorandum of understanding with the INS, DIHS physicians, dentists, physician assistants, nurse practitioners, nurses, pharmacists, and health care administrators staff INS medical facilities. The health-care services they provide include disease-screening and -prevention. In addition, DIHS is responsible for all aspects of planning, policy formulation, and program direction and management, including coordination and liaison activities, for all health matters concerning INS detainees.

EMERGENCY CHANGES - Measures immediately necessary to maintain security or to protect the health and safety of staff and detainees.

EXPOSURE/EXPOSED—Subjected or potentially subjected to a hazardous substance by any means (inhalation, ingestion, skin contact, absorption, etc.).

FACE-TO-PHOTO COUNT—Verifies identity of each detainee by comparing every person present with the photographic likeness on his/her housing card.

FIREARMS CONTROL OFFICER (FCO)—Individual designated responsible for the physical and administrative control of all firearms under the jurisdiction of the authorizing official.

FLAMMABILITY HAZARD—Has a flash point below 200° Fahrenheit, closed cup, or is subject to spontaneous heating.

FLAMMABLE LIQUID—A substance with a flash point below 100° Fahrenheit (37.8° Centigrade).

FLASH POINT—The minimum temperature at which the vapor of a combustible liquid can form an ignitable mixture with air.

FOOD SERVICE ADMINISTRATOR (FSA)—Responsible for planning, controlling, directing, and evaluating Food Service Department operations.

FORMAL COUNT—Detainee population assembled at specific times for attendance check, conducted in accordance with written procedures.

FOUR-POINT RESTRAINT—Confines the individual to a bed or bunk in either a supine or prone position. Ordered by OIC when detainee's unacceptable behavior appears likely to continue, risking injury to self or others.

FULL-TIME WORK ASSIGNMENT—Employed from beginning to end of a shift.

FUNDS—Cash, checks, money orders, and other negotiable instruments.

GENERAL CORRESPONDENCE—All correspondence other than "special correspondence."

GRIEVANCE—A complaint based on a circumstance or incident perceived as unjust.

GROUP PRESENTATION ON LEGAL RIGHTS—Informational session held in a detention facility by an attorney or other legal representative to inform all interested detainees about U.S. immigration law and procedures; not a forum for providing confidential or case-specific legal advice.

HARD CONTRABAND—Poses a serious threat to the security of the facility.

HEALTH HAZARD—Includes carcinogens, toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, and other agents that act on the hemopoietic system or damage the lungs, skin, eyes, or mucous membranes.

HEALTH SCREENING—A system for preliminary assessment of the physical and mental condition of individual detainees upon arrival at the facility; conducted by health care personnel or by a health-trained detention officer. The combination of structured inquiry and observation is designed to prevent new arrivals who appear to pose a health or safety threat to themselves or others from moving into the general population..

HEALTH SERVICES ADMINISTRATOR (HSA)—Executive responsible for the facility's health care program; may also serve as Clinical Director.

HOLD ROOM—A secure area used for temporary confinement of detainees before in-processing, institutional appointments (court, medical), release, transfer to another facility, or deportation- related transportation.

HOLY DAY—A day specified for religious observance.

HUNGER STRIKE—A voluntary fast undertaken as a means of protest; medical evaluation of a hunger-striking detainee is standard after 72 hours or earlier, at the discretion of medical staff.

ILLEGAL CONTRABAND—Any item prohibited by law, the possession of which constitutes grounds for felony or misdemeanor charges.

INDIGENT—Without funds, or with nominal funds.

INDOOR RECREATION AREA—A covered and enclosed exercise space 1,000 square feet or larger, encompassing 15 square feet per detainee for the planned capacity (number using the space at one time).

INFORMAL COUNT—Population count conducted according to no fixed schedule, when detainees are working, engaged in other programs, or involved in recreational activities. Unless a detainee is missing, these counts are not reported; also called "census check" or "irregular count."

INFORMAL RESOLUTION— Brings closure to a complaint or issue of concern to a detainee, satisfactory to the detainee and staff member involved; does not require filing of a written grievance.

INSTITUTIONAL DISCIPLINARY PANEL (IDP)—Review board responsible for conducting disciplinary hearings and imposing sanctions for cases of detainee misconduct referred for disposition following the hearing. The IDP usually comprises a Hearing Officer and representatives of different departments in the facility

INTERGOVERNMENTAL SERVICE AGREEMENT (IGSA)—A cooperative agreement between INS and any State, territory or political subdivision, for the construction, renovation, or acquisition of equipment, supplies, or materials required to establish acceptable conditions of confinement and detention services. INS may enter into an IGSA with any such unit of government

guaranteeing to provide bed space for INS detainees, and to provide the clothing, medical care, food and drink, security, and other necessities specified in the INS Detention Standards; facilities providing such services are referred to as "IGSA facilities."

INVESTIGATING OFFICER—The disinterested individual of supervisory or higher rank who conducts an investigation of alleged misconduct; usually a Supervisory Detention Enforcement Officer or shift supervisor.

IRREGULAR COUNT—See **INFORMAL COUNT**.

LEGAL ASSISTANT—An individual (other than an interpreter) who, working under the direction and supervision of an attorney or other legal representative, assists with group presentations and in representing individual detainees. Legal assistants may interview detainees, assist detainees in completing forms, and deliver papers to detainees without the attorney being present.

LEGAL FILE—See **A-FILE**.

LEGAL REPRESENTATIVE – An attorney or other person representing another in a matter of law, including law students, law graduates not yet admitted to the bar; “reputable individuals”; accredited representatives; accredited officials; and attorneys outside the United States (see 8 CFR § 292.1, "Representation and Appearances").

LIFE-SUSTAINING PROCEDURE (LIFE SUPPORT) – A medical intervention or procedure that uses artificial means to sustain a vital function.

MAIL INSPECTION—Examination of incoming and outgoing letters, packages, etc., for contraband, cash, checks and money orders.

MASTER COUNT—Total number of detainees housed at a facility.

MATERIAL SAFETY DATA SHEET (MSDS)—Basic information about a hazardous chemical, prepared and issued by the manufacturer, in accordance with Occupational Safety and Health Administration regulations (see 29 CFR 1910.1200; see also OSHA Form 174); among other things, specifies precautions for normal use, handling, storage, disposal, and spill cleanup.

MESSENGER—A person (neither a legal representative nor a legal assistant) whose purpose is to deliver or convey documents, forms, etc., to and from the detainee; not afforded the visitation privileges of legal representatives and legal assistants.

MINOR—A juvenile; a person under the age of 18.

NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE—Establishes the standards for health service in correctional facilities on which accreditation is based.

NATIONAL FIRE PROTECTION ASSOCIATION—Principal source of fire protection standards and codes.

NON-CONTACT VISIT—A barrier preventing physical contact between detainee and visitor(s).

NON-MEDICAL EMERGENCY ESCORTED TRIP—Authorized detainee visit to a critically ill member of his/her immediate family, or to attend the funeral of a member of his/her immediate family. "Immediate family" member refers to a parent (including stepparent and foster parent), child, spouse, sister, or brother of the detainee.

NON-MERIT FACTOR—Any characteristic or status immaterial to a detainee's mental or physical ability to perform a given assignment.

NON-SECURITY KEY(S)—If duplicated by unauthorized persons and/or lost, would not constitute an emergency, requiring urgent action; not critical to facility safety and security.

OFFICER-IN-CHARGE (OIC)—The highest-ranking official in the on-site chain of command at a facility; the facility director. In contract and IGSA facilities, often referred to by another title, e.g., Administrator, Warden, etc.

OUT COUNTS—Detainees temporarily away from the facility, but included in the master count

OUTDOOR RECREATION AREA—Open-air space for exercise or other leisure activities, large enough to allow 15 square feet per detainee for the largest group expected to use the area at any one time; but not less than 1,500 square feet.

PAT-DOWN SEARCH—Relies on the sensitivity of the officer's hands as they tap or run over the detainee's clothed body; may require the detainee to reveal pocket contents. The least intrusive body search.

PHYSICAL EXAMINATION—A thorough evaluation of an individual's physical condition and medical history conducted by or under the supervision of a licensed professional.

PLAN OF ACTION—Describes steps the facility will take to convert a condition that has caused a determination of noncompliance with a standard.

POSSESSION—Control over an item on one's person, or in one's assigned or personal space.

POST ORDERS—Written orders that specify the duties of each position, hour-by-hour, and the procedures the post officer will follow in carrying out those duties.

PROGRESSIVE RESTRAINTS—Control the detainee in the least restrictive manner required, until and unless the detainee's behavior warrants stronger and more secure means of inhibiting movement.

PROTECTIVE CUSTODY (PC)—Administrative segregation for the detainee's own safety.

REASONABLE SUSPICION—Not intuition, but articulable facts that lead the officer(s) to suspect a particular person is concealing a weapon, contraband, or evidence of a crime.

RELIGIOUS PRACTICES—Worship, observances, services, meetings, ceremonies, etc., associated with a particular faith; access to religious publications, religious symbolic items, religious counseling and religious study classes; and adherence to dietary rules and restrictions.

REPRESENTATIVE OF THE NEWS MEDIA—Person whose principal employment is gathering or reporting news for a:

- General circulation newspaper (covering politics, society, business, sports, arts, religion, etc.) which publishes legal notices for the local distribution area; A newsmagazine with a national circulation, sold at newsstands and by subscription;
- Newsmagazine with a national circulation, sold at newsstands and by subscription;
- National or international news service; or
- News program produced for a radio or television station licensed by the Federal Communications Commission (or foreign equivalent).

SALLY PORT—An enclosure situated in the perimeter wall or fence surrounding the facility, containing double gates or doors, of which one cannot open until the other has closed, to prevent a breach in the perimeter security; handles pedestrian and/or vehicular traffic.

SANITATION—The creation and maintenance of hygienic conditions; in the context of food, involves handling, preparing, and storing items in a clean environment, eliminating sources of contamination.

SATELLITE FEEDING—Food served and consumed in a location other than where prepared.

SECURITY KEY(S)— If duplicated by unauthorized persons and/or lost, would jeopardize life, safety, property, or security; or would facilitate escape.

SEGREGATION—Confinement in an individual cell isolated from the general population; for administrative, disciplinary, or protective reasons.

SERVICE PROCESSING CENTER (SPC) - A detention facility of which the primary operator and controlling party is the INS.

SOFT CONTRABAND—Any unauthorized item that does not constitute hard contraband, i.e., does not pose a threat to human safety or facility security; includes that quantity of an item possessed in an amount exceeding the established limit.

SPECIAL CORRESPONDENCE/MAIL—Detainee correspondence to or from private attorneys or other legal representatives, government attorneys, judges, courts, embassies and consulates, the U.S. President or Vice President, members of the U.S. Congress, the U.S. Department of Justice (including the INS and the Office of the Inspector General), the U.S. Public Health Service, administrators of grievance systems, and representatives of the news media. Correspondence will only be treated as special if the sender (for incoming correspondence) or recipient (for outgoing correspondence) and his/her title and office are adequately identified on the envelope to provide a clear indication that the correspondence belongs in this category.

SPECIAL MANAGEMENT UNIT (SMU)—A housing unit for detainees in administrative or disciplinary segregation.

SPECIAL-NEED DETAINEE—A detainee whose mental and/or physical condition requires special handling and treatment by staff. Special needs detainees include, but are not limited to, those who are emotionally disturbed, mentally retarded or mentally ill, physically disabled, infirm, and drug or alcohol addicts/abusers.

STRIP SEARCH—The removal or rearrangement of some or all of an individual's clothing to enable officers to examine the clothing and surfaces of the detainee's body, including breasts, navel, exterior anal and genital areas, and the inside of the nose, ears, and mouth. To the extent possible, the officers conduct the search visually, without touching the body parts.

TERMINALLY ILL/INJURED—In critical condition, beyond medical intervention, with death imminent or expected during the course of detention or hospitalization, according to the attending physician.

TOXIC—Poisonous; capable of causing injury or death.

TRAINING—An organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance personnel performance. Training may occur on site, at an academy or training center, an institution of higher learning, professional meetings, or through contract service or closely supervised on-the-job training. Training programs usually include requirements for completion, attendance records, and certification of completion. Meetings of professional associations are considered training where there is clear evidence of the direct bearing on job performance. In all cases, the activity must be part of an overall training program.

UNENCUMBERED SPACE—Open, usable space measuring at least seven feet in at least one dimension, free of plumbing fixtures, desk, locker, bed, and other furniture and fixtures (measured in operational position).

UNAUTHORIZED FUNDS—Negotiable instruments (checks, money orders, etc.) or cash in a detainee's possession exceeding the facility-established limit.


UNAUTHORIZED PROPERTY—Not inherently illegal, but against the facility's written rules.

UNIT DISCIPLINARY COMMITTEE—See **DISCIPLINARY COMMITTEE**.

VOLUNTEER GROUP—Individuals who collectively donate time and effort to enhance the activities and programs offered to detainees; selected on basis of personal qualities and skills (recreation, counseling, education, religion, etc.).

WORK ASSIGNMENT—Carpentry, plumbing, food service, and other operational activities included in the facility's Voluntary Work Program, for which a detainee may volunteer.


Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs

SEP 20 2000

Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SEP 20 2000

Date