

Chapter 8 Further Medical Examinations

Under no circumstances will a CBP officer administer medical techniques, medicines, or preparations, even at the request of medical personnel. However, the CBP officer is still responsible for all enforcement decisions regarding the person while at a medical facility.

This does not preclude an officer from providing lifesaving emergency medical care prior to arriving at the medical facility.

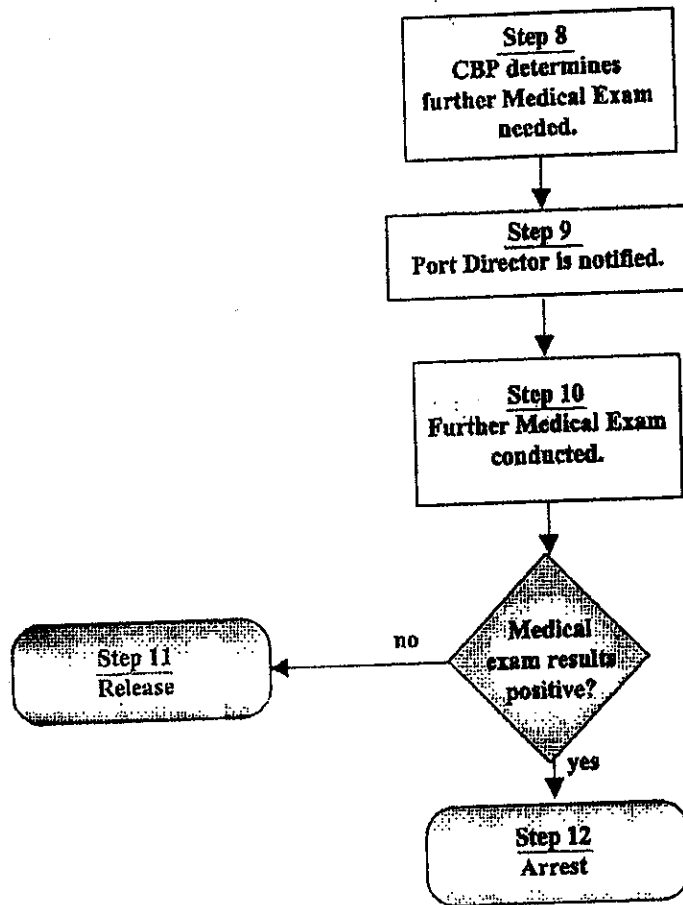
h. Physician-Directed Medical Treatment

Procedures deemed necessary for medical management of the patient, such as surgically removing balloons, are not acts of the Government for Fourth Amendment purposes, as long as the decision to employ such procedures is not based on any request, advice, or encouragement by any law enforcement officer.

You must, however, retain any evidence discovered by the medical personnel.

Whenever possible, obtain from medical personnel any documentation that may be available concerning statements the person may have made to the physician, observations by the physician, etc.

Chapter 9



When a person is detained for 8 hours, ICE will contact the U.S. Attorney's Office.

Chapter 9 Release

a. Completion of the CBP Examination

When a person has undergone an enforcement examination and/or personal search that has resulted in no seizure, administrative penalty, immigration adverse action, or arrest, and all CBP and other inspection agency regulatory processing has been completed, immediately advise the person that CBP processing has been completed and he may leave the facility.

You must ensure that appropriate professional courtesies are extended to the person. Examples include thanking him for cooperating in the process and offering to address any questions.

You, your supervisor, or a passenger service representative should address any immediate questions concerning the process, including, if appropriate, advising the person in general terms why he was selected for the search.

As part of the CBP policy to provide quality service to the traveling community while accomplishing enforcement responsibilities, CBP will provide payment on behalf of international travelers for reasonable expenses incurred as a result of a detention for a medical examination that produces negative results. The Detained Traveler Purchase Card and/or convenience checks (separately or in combination) shall be used to provide payment on behalf of these international travelers (*see Customs Directive 5220-035 dated September 13, 2000 Detained Traveler Purchase Card Program*).

The supervisor will make every effort to assist the person in his departure as workload and mission permit. Examples include offering assistance in repacking vehicles or baggage, and obtaining assistance from local transportation officials with baggage handling or onward travel.

Pay special attention to persons who have been delayed for extended periods of time and who may have missed onward travel or are leaving the CBP facility during late hours, when outside facilities are closed. Arrange to obtain assistance from transportation officials or traveler's aid organizations.

Document efforts to assist the person in the TECS and/or IDENT/ENFORCE report.

Do **not** advise outside persons regarding the specific reasons for the delay, other than saying that *the person was delayed completing CBP formalities*.

b. Returning Persons to the CBP Facility

When a person has undergone an examination and/or personal search away from the CBP facility (e.g., at a medical facility) that has resulted in no seizure or arrest, the person must be returned to the CBP facility as promptly as possible. The person has the option to depart from the medical facility if they choose. Document their request in the TECS and/or IDENT/ENFORCE report.

Two CBP officers, or one CBP officer and another law enforcement officer must accompany the person. At least one of the officers should be of the same gender as the person being transported.

Chapter 9 Release

Unless specific facts indicate danger to the officers on the return trip, handcuffing is **not** permitted.

Handcuffing on the return trip, without circumstances justifying such an action, may subject an officer to a personal lawsuit for an unreasonable seizure. Record any instance where a person was handcuffed on the return trip, including the circumstances that warranted that action, in the TECS IOIL and/or IDENT/ENFORCE.

When practical, do not use special secure personnel transport vehicles for the return trip.

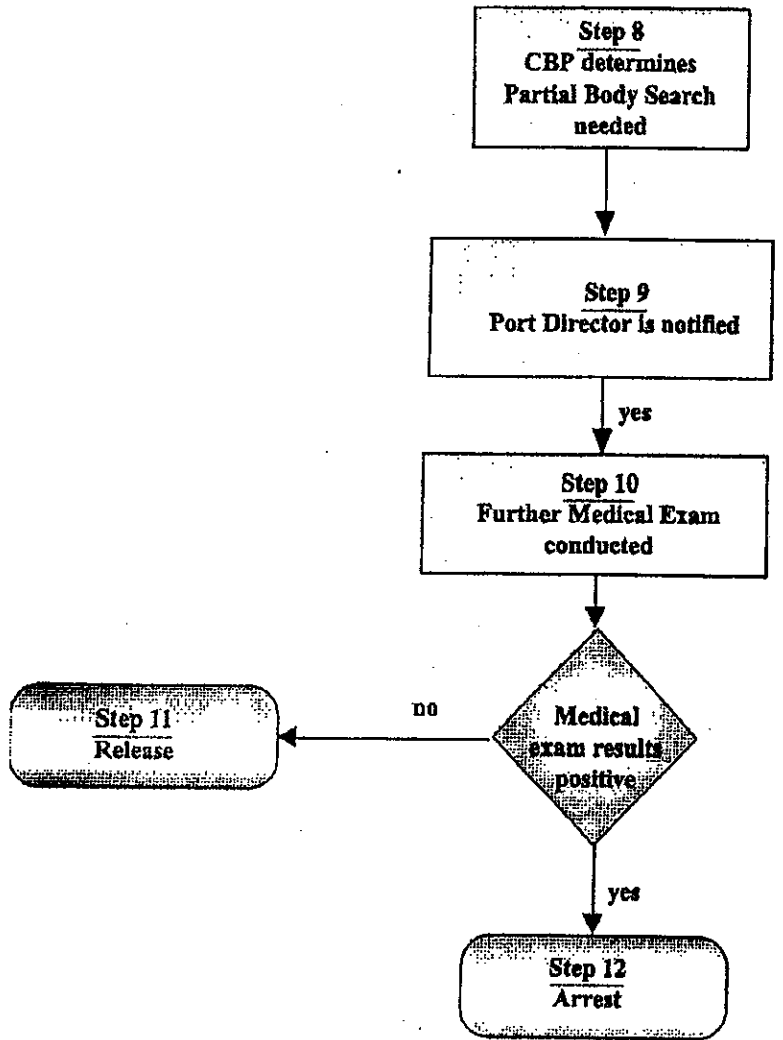
Maintain contact with SECTOR radio at all times, and provide departure and arrival times and mileage to SECTOR.

c. Written Report

When a personal search and detention does not lead to a seizure, arrest, administrative penalty, or immigration adverse action report it in the IOIL, Negative Search Report.

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Chapter 10



When a person is detained for 8 hours, ICE will contact the U.S. Attorney's Office