

No More Deaths proposes the following standards to regulate short-term custody in order to protect the rights of all individuals detained by the Border Patrol. “Short-term custody” refers to all contact between agents and migrants during:

- apprehension in the field;
- detention at the processing centers;
- transportation;
- and repatriation at the ports of entry.

The term “agents” refers to Border Patrol agents as well as to all employees of private entities contracted by the Department of Homeland Security.

Recommended Standards : **Short-Term Border Patrol Custody**

Access to Water

This standard is to ensure that all migrants encountered are well hydrated.

- a. Agents and DHS subcontractors will provide potable water to each migrant immediately after the initial contact.
- b. To prevent contamination and spread of disease, water will be distributed in a sanitary manner. To this end, each migrant shall receive his or her own bottle (or other sanitary, personal receptacle) of water.
- c. Each migrant shall always have unlimited access to water.
- d. Particular attention will be paid to ensure that pregnant women, children, the elderly and the ill have sufficient water.
- e. Every migrant shall be offered electrolytes.

Access to Food

This standard is to ensure that each migrant is provided with appropriate portions of food immediately to help prevent weakness, dizziness, and starvation.

- a. Upon encounter, agents will ask every migrant if they are aware of any food allergies.
- b. Agents will at a minimum provide basic electrolyte replacement snacks.
- c. Each migrant will receive at least one meal regardless of the time in detention or time of arrival and subsequent meals if held for more than eight hours.
- d. Meals shall be provided at least every five hours.
- e. Meals shall be nutritious (i.e. soup, sandwich, banana or apple, and milk).
- f. Agents shall not discard food belonging to migrants unless there are safety concerns.
- g. Children and pregnant women shall be given additional access to food as desired.
- h. Mothers who are breast feeding shall not be separated from their children.

Processing Center Conditions

This standard is to ensure that all migrants are detained in the safest and most humane manner.

- a. Searches shall always be conducted by an agent of the same gender as the migrant.
- b. Agents shall provide two clean blankets to each migrant and a safe and adequate area to sleep.
- c. Migrants shall have access to basic toiletries (i.e. shampoo, deodorant, toothpaste, toothbrush and/or soap).
- d. Migrants shall be given access to toilet facilities upon request; it will never be denied.
- e. Diapers and sanitary products will be made available immediately upon request.
- f. Agents shall ensure that sanitation and temperatures in cells are maintained at acceptable and comfortable levels.
- g. There must be a quarterly sanitation inspection with a written report by a local or state sanitation official. The facility must be in compliance with corrections, restrictions, or conditions stipulated by this authority.
- h. The detention areas must be cleaned, repaired, and maintained to the same standard as the entire facility (e.g. facility employees' offices).
- i. All horizontal surfaces in the detention centers shall be damp-dusted daily with a germicidal solution.
- j. Waste containers shall be lined with plastic bags and the liner shall be changed daily.
- k. Holding cells shall be cleaned daily.
- l. The detention areas shall be kept at the same temperature as the rest of the facility (i.e. facility employees' offices).
- m. Holding cells shall not exceed the maximum capacity as posted inside the facility.

Human Rights

This standard is to ensure that all migrants are treated as human beings and that their basic rights are valued at all times.

- a. Agents shall provide an environment free from harassment, humiliation, physical, sexual, verbal and emotional abuse.
- b. At no time will agents participate in torture or any form of abusive, cruel, inhumane or degrading treatment or punishment.
- c. All grievances shall be promptly and thoroughly investigated.

Legal Proceedings

This standard is to ensure that each migrant is made aware of and given proper legal information.

- a. Upon admission, migrants shall be informed verbally and in writing of their rights in a language they understand, including the right to petition for asylum, to see a judge or attorney, and their right to consular notification.
- b. Migrants shall be given the opportunity to make a phone call to legal counsel, their Consulate, and/or a family member.
- c. When migrants are asked to sign any paperwork, the paperwork shall be in their native language to ensure that they understand what they are signing.
- d. No legal document shall be signed without consulting an attorney.
- e. Agents shall explain all paperwork content if requested to do so.
- f. Agents shall not threaten or coerce migrants into signing paperwork.

Access to Medical Treatment

This standard is to ensure that all migrants encountered receive appropriate medical treatment as quickly as possible to decrease further suffering and injury and to prevent the spread of communicable disease.

- a. Licensed medical professionals (Registered Nurse or above) shall always be on site at the processing facility.
- b. Each migrant will be medically screened at no cost by a licensed medical professional.
- c. A field assessment shall be conducted prior to transportation to a processing facility by medical personnel with at least Emergency Medical Technician certification.
- d. Licensed medical personnel shall conduct a more comprehensive screening at the detention center.
- e. A medical personnel shall provide medical treatment for any and all injuries.
- f. All open wounds and blisters shall be attended to before migrants are released.
- g. Agents shall never refuse medical treatment to any migrant, including access to hospital services.
- h. Prescriptions shall not be taken away, and will always be filled when ordered by a physician to maintain medical stability.
- i. Agents shall not interfere with medical procedures.
- j. Agents will pay close attention to pregnant women, children, the elderly and the ill to prevent any injuries.
- k. Pregnant women shall not be handcuffed after arrival at a hospital or clinic.
- l. Women in active labor shall not be handcuffed either en route to, or while in, a hospital.
- m. Agents shall not verbally or physically harass migrants while they are receiving medical treatment.

Safe Transportation

This standard is to ensure that agents transport all migrants safely and responsibly at all times.

- a. Temperatures in vehicles shall be maintained at acceptable and comfortable levels.
- b. Transportation shall always be at a safe speed that takes into account road and weather conditions.
- c. Migrants shall not be crowded in vehicles. In vehicles, the number of migrants shall not exceed the manufacturer's recommended number of passengers.
- d. Migrants will only be transported in vehicles with seatbelts provided for each migrant.
- e. Migrants shall not be shackled unless they have seatbelts.
- f. Migrants shall only be shackled when being transported from one point to another, not in processing facilities.
- g. Transportation shall be safe and take into special consideration those with additional health care concerns including but not limited to pregnant women, infants, and children.
- h. Vehicles used for transporting migrants will be properly equipped, maintained, and operated.

Humane Repatriation & Deportation Practices

This standard is to ensure that humane repatriation and deportation practices are being applied to each migrant in the most efficient possible manner.

- a. Removals shall never be conducted in the nighttime or at unsafe hours.
- b. Agents will ensure that family members (i.e. mother, father, grandparents, aunt, uncle, brother, sister, cousins, nieces, nephews) are kept together through the process and returned together.
- c. Children shall never be separated from their family.
- d. A mother shall never be separated from her children, especially when she is breast feeding.
- e. Unaccompanied minors shall be handed over to the care of their Consulate.
- f. Identification documents, property and/or money of each migrant shall be securely labeled, stored, and returned upon removal.
- g. Medications shall always be returned to migrants.
- h. There will be no destruction of migrants' property, including clothing.
- i. Each migrant shall be fully clothed in weather appropriate clothing when removed. Agents will provide appropriate attire and/or shoes when necessary.
- j. No migrant shall be held or returned with wet clothes and agents will provide dry clothing when necessary.
- k. DHS shall provide a daily report to all appropriate consulates that contains a complete list of all repatriated and deported individuals, as well as the time and port of entry of removal.

Independent Oversight

This standard is to guarantee compliance with the above standards and to begin the process of implementation.

- a. A Community Oversight Committee shall be established to ensure compliance.
- b. The committee shall be staffed with medical and legal professionals and individuals who work in the area of human and migrant rights.
- c. Members shall have access to processing centers and Border Patrol/DHS facilities.

These standards have been compiled by No More Deaths. More information on the campaign is available at <http://www.nomoredeaths.org>.

Please feel free to contact us at: custodystandards@nomoredeaths.org.