

Title: Navigating the Ethical, Legal, and Care Considerations of ICE and Carceral Processes in Health Care Spaces

Format: 60 minutes

Abstract:

Background:

Health care spaces are increasingly becoming sites of surveillance and law enforcement. Clinicians frequently encounter carceral staff and Immigration and Customs Enforcement (ICE) agents in the clinical spaces, creating profound "dual loyalty" conflicts that challenge the balance between legal or administrative demands and patient-centered care. This didactic session provides a comprehensive framework for navigating the ethical, legal, and clinical complexities of carceral contact in hospitals, with a specific focus on the unique standards of ICE.

We will begin by providing a comparative analysis of the legal frameworks for criminal custody versus administrative immigration detention. Presenters will review the implications of *Estelle v. Gamble*, the Prison Litigation Reform Act (PLRA), and the ICE Performance-Based National Detention Standards regarding medical exams. We will review distinct protections regarding privacy (HIPAA vs. law enforcement exceptions), autonomy (surrogate decision-making), and physical restraints (state anti-shackling laws).

To facilitate active learning, the core of this session features an interactive cases. Utilizing live polling and small group discussions, the audience will discuss real-world cases, such as responding to a subpoena for toxicology results, managing consent for emergency surgery for an incapacitated detainee, or navigating an ICE agent's request to observe a physical exam. After the audience discussion, the panel will discuss possible ethical and legal considerations and clinical approaches.

Finally, to bridge theory and practice, the session will end with structured networking. Participants will self-select into Research, Clinical, and Advocacy tracks. Facilitated by the panelists, these groups will identify gaps in current literature, map key stakeholders for hospital policy change, and share "Know Your Rights" resources. This session aims to reduce uncertainty and encourage advocacy, equipping attendees with the tools necessary to preserve patient rights.

Learning Objectives:

1. Identify key ethical conflicts (e.g., privacy, autonomy, dual loyalty) and legal frameworks (e.g., *Estelle v. Gamble*, HIPAA) relevant to patients in carceral versus immigration custody.

2. Compare the distinct patient rights, provider responsibilities, and provider protections associated with criminal custody versus administrative immigration detention, including specific ICE medical exam standards.
3. Apply clinical and legal knowledge to resolve common scenarios, such as warrant enforcement in clinical spaces or consent for medical procedures, through interactive case study analysis.