

THE ALL-IN-ONE GUIDE TO

DEFEATING ICE HOLD REQUESTS

(a.k.a. Immigration Detainers)

APPENDIX 6

SAMPLE LEGISLATION
AND ADMINISTRATIVE POLICIES



ALL IN ONE GUIDE TO DEFEATING ICE HOLDS

APPENDIX 6 : Legislation and administrative policies relating to ICE hold requests/Detainers

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POLICY RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SANTA CLARA ADDING BOARD POLICY 3.54 RELATING TO
CIVIL IMMIGRATION DETAINER REQUESTS**

WHEREAS, the Board of Supervisors wishes to give direction and set policy for such matters for which the responsibility of decisions is placed on it by virtue of State codes, County Charter or specific ordinances and resolutions or relates to its broad policy-making authority to matters regarding Santa Clara County; and

WHEREAS, the Board of Supervisors wishes to clearly state and compile policies and to provide for distribution of these policies to affected decision-makers; and

WHEREAS, the Policy Manual is not set by ordinance, is not legally binding, and can be changed by adoption of a resolution approved by a majority of the Board of Supervisors and is intended to give guidance to staff and future members of the Board of Supervisors;

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NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Santa Clara, State of California, that the Board of Supervisors' Policy Manual is hereby amended by adoption of this resolution to add Section 3.54, Civil Immigration Detainer Requests, attached hereto as Exhibit "A" and incorporated herein, and the Clerk of the Board is directed to incorporate the policy into the manual so that it is available to all County staff.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on _____, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DAVE CORTESE, President
Board of Supervisors

ATTEST:

MARIA MARINOS
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



JUNIPER DOWNS
Lead Deputy County Counsel

Exhibit to this Resolution:

A – Board Policy 3.54 for Civil Immigration Detainer Requests

446351

**Exhibit A –
(Proposed Amendment to Detainer Task Force Recommendation)**

3.54 Civil Immigration Detainer Requests

It is the policy of Santa Clara County (County) to honor civil detainer requests from the United States Immigration and Customs Enforcement (ICE) by holding adult inmates for an additional 24-hour period after they would otherwise be released in accordance with the following policy, so long as there is a prior written agreement with the federal government by which all costs incurred by the County in complying with the ICE detainer shall be reimbursed:

1. Upon written request by an Immigration Customs and Enforcement (ICE) agent to detain a County inmate for suspected violations of federal civil immigration law, the County will exercise its discretion to honor the request if one or more of the following apply:
 - a. The individual is convicted of a serious or violent felony offense for which he or she is currently in custody.
 - i. For purposes of the policy, a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code and a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code.
 - b. The individual has been convicted of a serious or violent felony within 10 years of the request, or was released after having served a sentence for a serious or violent felony within 5 years of the request, whichever is later.
 - i. If the individual has been convicted of a homicide crime, an immigration detainer request will be honored regardless of when the conviction occurred.
 - ii. This subsection also applies if the Santa Clara County Department of Corrections has been informed by a law enforcement agency, either directly or through a criminal justice database, that the individual has been convicted of a serious or violent offense which, if committed in this state, would have been punishable as a serious or violent felony.
2. In the case of individuals younger than 18 years of age, the County shall not apply a detainer hold.

3. Except as otherwise required by this policy or unless ICE agents have a criminal warrant, or County officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws, ICE agents shall not be given access to individuals or be allowed to use County facilities for investigative interviews or other purposes, and County personnel shall not expend County time or resources responding to ICE inquiries or communicating with ICE regarding individuals' incarceration status or release dates.

Document in ProLaw

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
ADVANCING PUBLIC SAFETY AND AFFIRMING THE SEPARATION BETWEEN
COUNTY SERVICES AND THE ENFORCEMENT
OF FEDERAL CIVIL IMMIGRATION LAW**

WHEREAS, the County of Santa Clara is home to a diverse and vibrant community of people representing many races, ethnicities, and nationalities, including immigrants from all over the world; and

WHEREAS, approximately one-third of all County residents are foreign born, and approximately two-thirds live in families with at least one foreign-born member; and

WHEREAS, the Board of Supervisors recognizes that fostering a relationship of trust, respect, and open communication between County employees and County residents is essential to County departments' core mission of ensuring public safety and serving the needs of the entire community; and

WHEREAS, the Board of Supervisors wishes to encourage all residents of Santa Clara County to report crimes to County law enforcement officials and to use County services without fear of being arrested by or reported to U.S. Immigration and Customs Enforcement ("ICE"); and

WHEREAS, the Board of Supervisors believes that laws like Arizona's SB 1070 erode the relationship of trust between immigrant communities and local governments, subject individuals to racial profiling, discourage crime victims and witnesses from coming forward and cooperating with local law enforcement officials, and make people afraid to seek the services and medical assistance they and their children need, thereby undermining the health, safety, and well-being of citizens and non-citizens alike; and

WHEREAS, the enforcement of federal civil immigration law is the responsibility of the federal government and not of the County; and

WHEREAS, consistent with the U.S. Constitution's prohibition on the federal commandeering of local resources, the Board of Supervisors has long opposed measures that would deputize local officials and divert County resources to fulfill the federal government's role of enforcing civil immigration law; and

WHEREAS, the Board of Supervisors has consistently sought to protect the rights of all County residents to be free from discrimination, abuse, violence, and exploitation, as reflected by its enduring commitment to protecting victims of hate crimes, domestic violence, elder abuse, human trafficking, and immigration practitioner fraud in Santa Clara County; and

WHEREAS, in this time of economic difficulties, the Board of Supervisors remains committed to maximizing public safety, public health, and vital services on which the entire community depends, and recognizes that the best way to achieve these priorities is to foster an environment of inclusiveness and trust between the government and all County residents;

NOW, THEREFORE, BE IT RESOLVED that, as to all County departments and agencies subject to the Board of Supervisors' jurisdiction:

1. No County department, agency, officer, or employee shall initiate any inquiry or enforcement action based solely on a person's actual or suspected immigration status, national origin, race, ethnicity, and/or inability to speak English.
2. No County department, agency, officer, or employee shall use any County funds, resources, or personnel to investigate, question, apprehend, or arrest an individual solely for an actual or suspected civil violation of federal immigration law.
3. No County department, agency, officer, or employee shall condition the provision of County services or benefits on the citizenship or immigration status of the individual except where such conditions are lawfully imposed by federal or state law or local public assistance eligibility criteria.
4. No County department, agency, officer, or employee who collects information for the purpose of determining eligibility for services or benefits, or for seeking reimbursement from federal, state, or third-party payors, shall use any County funds or resources to provide that information to ICE for purposes of assisting in the enforcement of federal civil immigration law.
5. The County calls on ICE agents performing official business in the County to identify themselves as federal immigration officers, to make clear that they are not officers, agents, or employees of the County, and to comply with legal mandates to refrain from racial profiling and to respect the due process rights of County residents, including but not limited to providing all required warnings concerning an individual's right to remain silent, the right not to sign documents he or she does not understand, and the right to speak with a lawyer.

BE IT FURTHER RESOLVED that:

6. Nothing in this resolution shall be construed to prohibit any County officer or employee from participating in task force activities with federal criminal law enforcement authorities.
7. Nothing in this resolution shall be construed to prohibit any County law enforcement officer from investigating violations of criminal law.
8. The County Counsel shall work with County departments and agencies to implement this resolution.

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9. The Clerk of the Board shall make copies of this resolution available to the public in English, Spanish, Vietnamese, Chinese, and Tagalog.

PASSED AND ADOPTED by the Board of Supervisors, County of Santa Clara, State of California on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ken Yeager, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

Maria Marinos
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



Miguel Márquez
Office of the County Counsel

Submitting a Proposed Ordinance sponsored by

TONI PRECKWINKLE, President and JESUS G. GARCIA, JOHN A. FRITCHEY, BRIDGET GAINER, JOAN PATRICIA MURPHY, EDWIN REYES, DEBORAH SIMS, ROBERT B. STEELE, and LARRY SUFFREDIN, and JEFFREY R. TOBOLSKI, County Commissioners

PROPOSED ORDINANCE

POLICY FOR RESPONDING TO ICE DETAINERS

WHEREAS, Cook County is a “Fair and Equal County for Immigrants,” as defined in 07-R-240; and

WHEREAS, there is ongoing confusion regarding the proper boundaries of the relationship between local law enforcement and Immigration and Customs Enforcement (“ICE”); and

WHEREAS, this is especially true in the context of ICE detainers, which are issued pursuant to 8 USC § 1226 or 8 USC § 1357(d), and used by the Department of Homeland Security (“DHS”) to advise local law enforcement agencies that DHS seeks custody of an individual presently in the custody of that agency; and

WHEREAS, 8 CFR § 287.7 expressly provides that ICE detainers are merely “requests” that local law enforcement advise DHS when the individual is due to be released, and that the agency continue holding the individual beyond the scheduled time of release for up to 48 hours, excluding weekends and federal holidays, in order for ICE to arrange to assume custody; and

WHEREAS, due to troubling inconsistencies in ICE policies, many local law enforcement agencies erroneously believe ICE detainers are mandatory and that local law enforcement agencies are legally required to comply; and

WHEREAS, ICE detainers are generally issued before a finding of probable cause that an individual is deportable, and have even been imposed on U.S. Citizens by mistake; and

WHEREAS, ICE detainers are routinely imposed on individuals without any criminal convictions or whose cases are dismissed, but the federal government only reimburses part of the costs associated with ICE detainers, if there is a written agreement with the State or local subdivision of a State; and

WHEREAS, ICE will not indemnify local agencies for costs or liability incurred as a result of wrongful detainers; and

WHEREAS, it costs Cook County approximately \$43,000 per day to hold individuals “believed to be undocumented” pursuant to ICE detainers, and Cook County can no longer afford to expend taxpayer funds to incarcerate individuals who are otherwise entitled to their freedom; and

WHEREAS, the enforcement of immigration laws is a responsibility of the federal government; and

WHEREAS, ICE detainers encourage racial profiling and harassment; and

WHEREAS, having the Sheriff of Cook County participate in the enforcement of ICE detainers places a great strain on our communities by eroding the public trust that the Sheriff depends on to secure the accurate reporting of criminal activity and to prevent and solve crimes; and

WHEREAS, by means of this ordinance, Cook County joins states, cities, and counties across the nation that are informed about the discretionary nature of ICE detainers and refuse to enforce them, except in situations where federal reimbursement may be available.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 46 Law Enforcement, Sec. 46-37 of the Cook County Code is hereby enacted as follows:

Sec. 46-37. Policy for responding to ICE detainers.

(a) The Sheriff of Cook County shall decline ICE detainer requests unless there is a written agreement with the federal government by which all costs incurred by Cook County in complying with the ICE detainer shall be reimbursed.

(b) Unless ICE agents have a criminal warrant, or County officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws, ICE agents shall not be given access to individuals or allowed to use County facilities for investigative interviews or other purposes, and County personnel shall not expend their time responding to ICE inquiries or communicating with ICE regarding individuals’ incarceration status or release dates while on duty.

(c) There being no legal authority upon which the federal government may compel an expenditure of County resources to comply with an ICE detainer issued pursuant to 8 USC § 1226 or 8 USC § 1357(d), there shall be no expenditure of any County resources or effort by on-duty County personnel for this purpose, except as expressly provided within this Ordinance.

(d) Any person who alleges a violation of this Ordinance may file a written complaint for investigation with the Cook County Sheriff’s Office of Professional Review.

Effective Date: This ordinance shall be in effect immediately upon adoption.

Proposed Int. No. 656-A

By Council Members Mark-Viverito, the Speaker (Council Member Quinn), Dromm, Foster, Brewer, Chin, Jackson, Koslowitz, Lappin, Mendez, Palma, Rodriguez, Rose, Barron, Gonzalez, Ferreras, Levin, Comrie, Vann, Cabrera, Dickens, Arroyo, James, Van Bramer, Eugene, Reyna, Seabrook, Sanders, Rivera, Crowley, Koppell, Williams, Lander, Garodnick, Wills, Mealy, Vacca, Weprin and Koo

A Local Law

To amend the administrative code of the city of New York, in relation to persons not to be detained.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 9 of the administrative code of the city of New York is amended by adding a new section 9-131 to read as follows:

§ 9-131. Persons not to be detained. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. “Civil immigration detainer” shall mean a detainer issued pursuant to 8 C.F.R. 287.7.

2. “Convicted of a crime” shall mean a final judgment of guilt entered on a misdemeanor or felony charge in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States. Persons adjudicated as youthful offenders, pursuant to article 720 of the criminal procedure law or a comparable provision of federal law or the law of another state, or juvenile delinquents, as defined by section 301.2(1) of the family court act or a comparable provision of federal law or the law of another state, shall not be considered convicted of a crime.

3. "Department" shall mean the New York city department of correction and shall include all officers, employees and persons otherwise paid by or acting as agents of the department.

4. "Federal immigration authorities" shall mean any officer, employee or person otherwise paid by or acting as an agent of United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an agent of the United States department of homeland security who is charged with enforcement of the civil provisions of the immigration and nationality act.

5. "Pending criminal case" shall mean a case in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, excluding the family court of the state of New York or a comparable court in another jurisdiction in the United States, where judgment has not been entered and where a misdemeanor or felony charge is pending. Any individual whose case is disposed of with an adjournment in contemplation of dismissal pursuant to section 170.55 or 170.56 of the criminal procedure law or a comparable provision of federal law or the law of another state shall not be deemed to be a defendant in a pending criminal case. A case in which the highest charge is a violation or a non-criminal infraction, including a case in which an individual has been sentenced to conditional discharge for committing a violation or a non-criminal infraction pursuant to section 410.10 of the criminal procedure law or a comparable provision of federal law or the law of another state, shall not be deemed to be a pending criminal case.

6. "Terrorist screening database" shall mean the United States terrorist watch list or any similar or successor list maintained by the United States.

b. Prohibition on honoring a civil immigration detainer. 1. The department shall not honor a civil immigration detainer by:

i. holding an individual beyond the time when such individual would otherwise be released from the department's custody, except for such reasonable time as is necessary to conduct the search specified in paragraph two of this subdivision, or

ii. notifying federal immigration authorities of such individual's release.

2. Paragraph one of this subdivision shall not apply when:

i. a search, conducted at or about the time when such individual would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city or state of New York, indicates that such individual:

A. has been convicted of a crime;

B. is a defendant in a pending criminal case;

C. has an outstanding criminal warrant in the state of New York or another jurisdiction in the United States;

D. is identified as a known gang member in the database of the national crime information center or any similar or successor database maintained by the United States; or

E. is identified as a possible match in the terrorist screening database.

ii. the search conducted pursuant to subparagraph i of this paragraph indicates, or the department has been informed by federal immigration authorities, that such individual:

A. has an outstanding warrant of removal issued pursuant to 8 C.F.R. 241.2; or

B. is or has previously been subject to a final order of removal pursuant to 8 C.F.R. 1241.1.

3. Nothing in this section shall affect the obligation of the department to maintain the confidentiality of any information obtained pursuant to paragraph two of this subdivision.

c. No conferral of authority. Nothing in this section shall be construed to confer any authority on any entity to hold individuals on civil immigration detainees beyond the authority, if any, that existed prior to the enactment of this section.

d. No conflict with existing law. This local law supersedes all conflicting policies, rules, procedures and practices of the city of New York. Nothing in this local law shall be construed to prohibit any city agency from cooperating with federal immigration authorities when required under federal law. Nothing in this local law shall be interpreted or applied so as to create any power, duty or obligation in conflict with any federal or state law.

e. No private right of action. Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department.

f. Reporting. No later than September 30, 2012 and no later than September 30 of each year thereafter, the department shall post a report on the department website that includes the following information for the preceding 12 month period:

1. the number of individuals held pursuant to civil immigration detainees beyond the time when such individual would otherwise be released from the department's custody;

2. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees;

3. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had at least one felony conviction;

4. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had at least one misdemeanor conviction but no felony convictions;

5. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions;

6. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were identified as known gang members in the database of the national crime information center or a successor database maintained by the United States;

7. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were identified as possible matches in the terrorist screening database;

8. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were identified as both possible matches in the terrorist screening database and known gang members in the database of the national crime information center or a successor database maintained by the United States;

9. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were defendants in a pending criminal case;

10. the amount of state criminal alien assistance funding requested and received from the federal government; and

11. the number of individuals for whom civil immigration detainees were not honored pursuant to subdivision b of this section.

g. For the purpose of this section, any reference to a statute, rule, or regulation shall be deemed to include any successor provision.

§2. This local law shall take effect 120 days after it shall have become a law, except that the commissioner of correction shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

LGA/ASP
LS# 1519
10/26/11
10:19 p.m.



Frequently Asked Questions about the Implementation of Local Law 2011/062 “Persons not to be detained”

WHAT IS LOCAL LAW 2011/062 “PERSONS NOT TO BE DETAINED”?

In November 2011, Mayor Michael R. Bloomberg signed into law a bill that limits the authority of the New York City Department of Correction (Department) to honor civil immigration detainers for inmates who have no criminal history or pending criminal cases and no other record of being a threat to public safety.

WHAT IS A CIVIL IMMIGRATION DETAINER?

A detainer is, in general terms, a legal document that authorizes the Department to hold an inmate in its custody. A civil immigration detainer is a document that serves to advise another law enforcement agency that the Department of Homeland Security seeks custody of a noncitizen present in the custody of that agency.

UNDER WHAT CIRCUMSTANCES WILL THE DEPARTMENT NOT HONOR CIVIL IMMIGRATION DETAINERS?

Pursuant to Local Law 2011/062, if a civil immigration detainer is placed on an inmate it will not be honored by the Department unless the inmate:

- Has been convicted of a crime
- Is a defendant in a pending criminal case
- Has an outstanding criminal warrant in New York State or another jurisdiction in the United States
- Has been identified as a known gang member in the appropriate federal database(s) or a possible match in the terrorist screening database and/or
- Has an outstanding warrant of removal from the United States or has previously been subject to a final order of removal from the United States

WHAT DATABASES WILL BE USED TO SCREEN INMATE ELIGIBILITY UNDER LOCAL LAW 2011/062?

The Department will rely on the eJusticeNY database when making eligibility determinations. Department personnel have been trained extensively on accessing and using these applications to determine eligibility under the law.

ARE THERE FEDERAL IMMIGRATION AGENTS EVER PRESENT AT DEPARTMENT FACILITIES?

Yes. Immigration and Customs Enforcement (ICE) agents are allowed access to DOC facilities to interview inmates who agree to speak with them. Shortly after Commissioner Schriro was appointed to DOC in 2009, new procedures were implemented requiring that inmates be given advance notice of ICE interviews and a form, which gives them the option to either agree to be interviewed without their attorney being present, decline to be interviewed or decline to be interviewed until their attorney is present. The Department will only produce an inmate for an interview if the ICE agent is appropriately attired in the ICE uniform and displaying the appropriate ICE credentials. Additionally, information in eight different languages regarding inmates’ rights as they relate to ICE interviews is prominently posted in all Department facilities.

WHO CAN I CONTACT IF I HAVE A QUESTION ABOUT THE IMPLEMENTATION OF LOCAL LAW 2011/062?

You may contact the Office of Constituent Services within the Office of the Commissioner with any general inquiries concerning the implementation of the law. The Office of Constituent Services can be reached directly at constituentservices@doc.nyc.gov or by calling (718) 546-1500.

The inmate population may also contact the Office of Constituent Services via institutional mail or the US Postal Service at:

New York City Department of Correction
Office of Constituent Services
75-20 Astoria Boulevard
East Elmhurst, NY 11370

If you have a question regarding the immigration consequences of your criminal case, you can contact the Immigrant Defense Project’s (IDP) free hotline at (212) 725-6422. IDP is an independent non-profit organization.

HOW WILL INMATES AND OTHER STAKEHOLDERS BE NOTIFIED OF THE IMPLEMENTATION OF LOCAL LAW 2011/062?

A new section has been added to the Inmate Handbook regarding the implementation of the law and its eligibility criteria. Additionally, signage has been posted throughout the facilities providing information to the inmate population about the law. DOC has also been working closely with the advocacy community to provide ongoing information about new procedures established in response to the law.

WHAT PERCENTAGE OF THE DEPARTMENT’S INMATE POPULATION IS FOREIGN-BORN?

On any given day, there are approximately 1,700 inmates who self-report as being foreign-born, accounting for 14 percent of the average daily inmate population.

HOW MANY FOREIGN-BORN INMATES WERE DISCHARGED FROM DOC CUSTODY LAST YEAR?

In Fiscal Year 2011, there were 11,527 inmates discharged from DOC custody who self-reported as being foreign born.

HOW MANY DETAINERS DID ICE PLACE ON FOREIGN-BORN INMATES LAST YEAR?

In Fiscal Year 2011, 3,020 inmates were discharged with an ICE detainer.

HOW MANY INMATES WERE DISCHARGED TO ICE LAST YEAR?

In Fiscal Year 2011, 2,252 inmates were discharged to ICE.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2011-xx
October 19, 2011

SUBJECT: Disclosure of Status of Individuals: Policies and Procedures of District of Columbia Agencies

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2011 Supp.), it is hereby **ORDERED** that:

I. PURPOSE

The dual purpose of this Order is to establish District-wide policy and procedures concerning the disclosure of immigration status, and to ensure that District resources are not used for federal immigration enforcement activities. This Order supplements Mayor's Memorandum 84-41, dated August 2, 1984, and Mayor's Order 92-49, dated April 29, 1992, by delineating the responsibilities of local agencies, and preserving the limited resources of Public Safety agencies.

II. DISCLOSURE OF IMMIGRATION STATUS

A. Background

1. The District of Columbia is home to a diverse population. Many of its residents have immigrated here and some are not citizens of the United States. The District of Columbia is committed to promoting the safety and rights of *all* who live here.
2. The District of Columbia should preserve the tradition of ensuring that immigrants and noncitizens are treated equitably at any stage where they seek services from the District of Columbia, provide services to the District of Columbia, or have contact with the criminal justice system. The Metropolitan Police Department and other agencies of the District of Columbia rely upon the cooperation of all persons--documented citizens, lawful residents, and those without documentation status--to achieve our goals of protecting life and property, preventing crime and resolving problems. In addition to promoting important community policing goals, assistance from immigrant populations is especially important when an immigrant, whether documented or not, is the victim of or witness to a crime. These persons must feel comfortable in coming forward with information and in filing reports. Their cooperation is needed to prevent and solve crimes and maintain public order, safety.

and security in the entire community. One of our most important goals is to enhance our relationship with immigrant communities as well as to establish new and ongoing partnerships consistent with our community policing philosophy.

3. Moreover, the District of Columbia should ensure that the rights of immigrants or suspected immigrant detainees in District of Columbia facilities and facilities elsewhere to which District of Columbia detainees are transferred are observed and that federal immigration officials do not abuse their privilege of access to District facilities.
4. The limited resources of the District, the complexity of immigration laws, limitations on authorities, the risk of civil liability for immigration and enforcement activities, and the clear need to foster trust and cooperation from the public, including members of immigrant communities, are the principal factors that were taken into account when formulating the policy under this Order.

B. Policy and Procedures

1. This Order shall apply to the Department of Corrections, the Department of Fire and Emergency Medical Services, the Metropolitan Police Department, the Office of the Attorney General, the Office of Returning Citizen Affairs, the Office of Victim Services, the Department of Youth Rehabilitation Services, and all other agencies under the direction of the Mayor that employ law enforcement officers (Public Safety Agencies).
2. Public Safety Agencies and their officials and employees shall not inquire about a person's immigration status or contact United States Immigration and Customs Enforcement (ICE) for the purpose of initiating civil enforcement of immigration proceedings that have no nexus to a criminal investigation. It shall be the policy of Public Safety Agencies not to inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking assistance.
3. Public Safety Agencies shall establish a policy to ensure that District of Columbia-incarcerated youth and adults are not made available for immigration interviews related to immigration status without a criminal nexus, in person, over the phone, or by video without a court order. The policy shall include a disclosure to the inmate that all information provided to federal agents, including ICE agents, may be used in a criminal, immigration, deportation, or other collateral cases. The policy shall be in writing, shall be signed by the inmate, and shall comply with applicable standards of the Language Access Act of 2004 (D.C. Official Code § 2-1931 *et seq.* (2007 Repl.)).
4. No person shall be detained solely on the belief that he or she is not present legally in the United States or that he or she has committed a civil immigration violation. The Department of Corrections shall not send lists of foreign-born inmates to the Department of Homeland Security.

5. Law enforcement officers shall not make arrests solely based on administrative warrants for arrest or removal entered by ICE into the National Crime Information Center database of the Federal Bureau of Investigation, including administrative immigration warrants for persons with outstanding removal, deportation, or exclusion orders. Enforcement of the civil provisions of United States immigration law is the responsibility of federal immigration officials.
6. Public Safety Agencies shall conduct all necessary training and education to ensure that law enforcement officers are knowledgeable about all provisions contained in this Order. Referrals to medical or social service agencies shall be made for undocumented immigrants in the same manner they are made for all other community members.

III. CONSTRUCTION OF ORDER:

This Order:

1. Shall not be construed to prohibit an officer or employee of a Public Safety Agency from cooperating with federal immigration authorities when required by law; and
2. Is not intended to create or imply a private cause of action for a violation of its provisions.

IV. EFFECTIVE DATE: This Order shall become effective immediately.

VINCENT C. GRAY
MAYOR

ATTEST: _____
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

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Chairman Kwame Brown

Councilmember Phil Mendelson

Councilmember David Catania

Councilmember Michael A. Brown

Councilmember Vincent B. Orange

Councilmember Jim Graham

Councilmember Jack Evans

Councilmember Mary M. Cheh

Councilmember Muriel Bowser

Councilmember Harry Thomas, Jr.

Councilmember Tommy Wells

Councilmember Yvette Alexander

Councilmember Marion S. Barry

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Phil Mendelson introduced the following bill which was referred to the Committee on _____.

To amend An Act To create a Department of Corrections in the District of Columbia to limit the circumstances under which the District will comply with an immigration detainer request from United States Immigration and Customs Enforcement.

1 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
2 act may be cited as the “Immigration Detainer Compliance Amendment Act of 2011”.

3 Sec. 2. Section 6 of An Act To create a Department of Corrections in the District of
4 Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.01 *et seq.*), is
5 amended by adding a new Section 7 to read as follows:

6 “Sec. 7. District compliance with federal immigration detainers.

7 “(a) The District of Columbia is authorized to comply with civil detainer requests from
8 United States Immigration and Customs Enforcement (ICE) by holding inmates for an additional
9 24-hour period after they would otherwise be released, but only in compliance with the
10 requirements of subsection (b) of this section.

11 “(b) Upon written request by an ICE agent to detain a District of Columbia inmate for
12 suspected violations of federal civil immigration law, the District shall exercise discretion
13 regarding whether to comply with the request and may comply only if:

14 “(1) There exists a prior written agreement with the federal government by which
15 all costs incurred by the District in complying with the ICE detainer shall be reimbursed; and

16 “(2) The individual sought to be detained:

17 “(A) Is an adult, as defined in D.C. Official Code § 16-2301(5); and

18 “(B) Has been convicted of:

19 “(i) A dangerous crime as defined in D.C. Official Code § 23-
20 1331(3) or crime of violence as defined in D.C. Official Code § 23-1331(4), for which he or she
21 is currently in custody;

22 “(ii) A dangerous crime as defined in D.C. Official Code § 23-
23 1331(3) or crime of violence as defined in D.C. Official Code § 23-1331(4) within 10 years of

1 the detainer request, or was released after having served a sentence for such dangerous crime or
2 crime of violence within 5 years of the request, whichever is later; or

3 “(iii) A crime in another jurisdiction which if committed in the
4 District of Columbia would qualify as an offense listed in D.C. Official Code § 23-1331(3) or
5 (4).

6 “(c) Notwithstanding subsection (b)(2)(B)(ii) of this section, a detainer request for an
7 individual who has been convicted of a homicide crime shall be honored regardless of when the
8 conviction occurred.

9 “(d) Except as otherwise required by this law or unless ICE agents have a criminal
10 warrant, District personnel shall not expend District resources responding to ICE inquiries or
11 communicating with ICE regarding individuals’ incarceration status or release dates.”.

12 Sec. 3. Fiscal impact statement.

13 The Council adopts the fiscal impact statement in the committee report as the fiscal
14 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
15 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

16 Sec. 4. Effective date.

17 This act shall take effect following approval by the Mayor (or in the event of veto by the
18 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as
19 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
20 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
21 Columbia Register.

Taos County Adult Detention Center Policies and Procedures

IMMIGRATION AND CUSTOMS ENFORCEMENT:

It is the policy of the TCADC to cooperate with the United States Immigration and Customs Enforcement (ICE) in accordance with the following procedures:

1. No inmate shall be asked about his place of birth or country of origin upon admission to the TCADC.
2. TCADC staff shall not facilitate or allow any telephone communication between an inmate and any ICE official without a court order requiring it.
3. Any detainee who has bondable charges upon admission shall be allowed to post bond to secure his or her release unless there is a documented detainer placed on the inmate for which the TCADC must hold the inmate as provided herein.
4. If TCADC has received a documented detainer for an inmate in its custody, the Administrator shall determine whether the inmate is an "undocumented criminal alien" so that he or she meets the minimum statutory criteria to obtain reimbursement for the cost of detaining the inmate for up to 48 hours beyond his or her release to allow ICE to take custody of the inmate. Under this section, an "undocumented criminal alien" means an alien who has been convicted of at least one felony or two or more misdemeanors.
5. If the inmate is not an "undocumented criminal alien" pursuant to the definition set forth above, the inmate shall not be detained at the TCADC pursuant to an ICE detainer beyond the date and time of his or her otherwise authorized release.
6. If the inmate is an "undocumented criminal alien" pursuant to the definition set forth above, the inmate shall be detained for a period of 48 hours beyond the date and time of his or her otherwise authorized release, including weekends and legal holidays, to allow ICE Officials to take custody of the inmate.

RESTRICTED LAW ENFORCEMENT DATA

Sensitive information and data relevant to detention center operations and administration is contained throughout this publication. This information and data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of the Adult Detention Administrator.

Taos County Adult Detention Center Policies and Procedures

7. There being no legal authority upon which the United States may compel an expenditure of county resources to cooperate and enforce its immigration laws, there shall be no expenditure of any county resources or effort by on-duty staff for this purpose except as expressly provided herein.
8. Any person who alleges a violation of the ICE policy set forth herein may file a written complaint for investigation with the Administrator.

JAIL POPULATION REPORTS:

The Administrator shall submit daily reports to the County Manager and other agencies who request receipt of such reports indicating the name, date of birth, date of arrest, arresting agency, offense(s) on which the inmate is being held and the court for each inmate confined in TCADC and other facilities housing Taos County inmates.

INITIATION OF INMATE FILE:

The admitting staff member is responsible for initiation and development of the inmate file. Inmate files must comply with the following general requirements:

1. Files will be assembled in individual folders for each inmate.
2. Format and organization of files will be standardized.
3. Files will be assigned identifying numbers, color codes and other means of easy identification.
4. Files will be maintained in alphabetical or numerical order for ease of reference.

FILE STORAGE AND ISSUE:

Inmate file material must be maintained in a confidential manner. All files shall be prepared using a system that identifies the staff member(s) who prepared or filed the information in the inmate file. Active inmate files must be supervised and controlled by staff members only. No unauthorized person shall have access to any inmate files.

RESTRICTED LAW ENFORCEMENT DATA

Sensitive information and data relevant to detention center operations and administration is contained throughout this publication. This information and data is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of the Adult Detention Administrator.

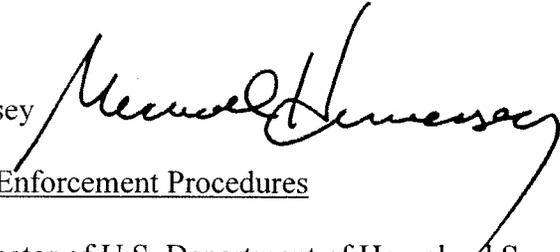


San Francisco Sheriff's Department

INTER-OFFICE CORRESPONDENCE

May 3, 2011

Reference: 2011-003

TO: All Sworn Personnel
FROM: Sheriff Michael Hennessey 
RE: Immigration & Custom Enforcement Procedures

David Venturella, Assistant Director of U.S. Department of Homeland Security, has informed the Department that an Immigration Detainer (Form I-27) is a **request** for an agency to maintain custody of an alien, who may otherwise be released, for up to forty-eight (48) hours (excluding Saturdays, Sundays, and holidays). An Immigration Detainer does not impose a legal mandate to hold a person in custody. Therefore, effective Monday, May 16, 2011, the following applies:

1) ICE DETAINERS WITH INFRACTIONS & CERTAIN MISDEMEANORS

ICE Detainers received for individuals who have been booked into the Sheriff's custody at County Jail # 1 on only the following offenses:

- cite eligible, on-view misdemeanor offenses
- on-view infractions (Per 853.5 PC)
- traffic infractions (Per 853.5 PC) or CWB Specials which are cite eligible
- cite-eligible misdemeanor bench warrants
- cite-eligible out of county warrants

shall be subject to the following procedure:

The individual shall be checked for the eligibility conditions listed in number 4) RELEASE ELIGIBILITY. If this check reveals that the individual is eligible for release, the ICE Detainer shall not be booked, and the subject will be cited and released according to established release procedures. A deputy must then write "**NOT BOOKED**" across the detainer. That detainer will be forwarded to the Sheriff's Department Information and Technology Service Section (ITSS). ITSS will scan the detainer and attach it as a document to the subject's "Global Subject Jacket" in the Jail Management System (JMS). The detainer should then be destroyed.

2) ICE DETAINERS WITH NON-CITABLE MISDEMEANORS

ICE Detainers shall be booked and honored when received for individuals who have been booked into the Sheriff's custody for non-cite eligible, on-view misdemeanor, or non-cite eligible misdemeanor bench warrant offenses.

If the misdemeanor criminal matter is subsequently dismissed and an ICE Detainer has already been booked, an entry of “**HOLD OFF**” shall be entered as a charge disposition for the ICE Hold. Additionally, “**HOLD OFF**” shall be entered in the *remarks* field of the *Charges Detail* window. In the final release process at County Jail # 1, the release deputy shall enter a notation in the *Comments Field* in JMS indicating, “ICE Detainer Not Honored, Subject Released”. A deputy shall then write, “**NOT HONORED**” across the ICE Detainer. That detainer will be forwarded to ITSS. ITSS will scan the detainer and attach it as a document to the subject’s “Global Subject Jacket” in JMS. The detainer should then be destroyed.

3) ICE DETAINERS WITH ON-VIEW FELONY DOMESTIC VIOLENCE CHARGE(S) - PC 273.5 (a)

ICE Detainers shall be booked and honored when received for individuals who have been booked into the Sheriff’s custody for a felony on-view domestic violence offense as defined in Penal Code Section 273.5 (a) - Felony. If the domestic violence matter is subsequently dismissed during the initial rebooking process, and, there are no other criminal matters, and an ICE Detainer has already been booked, an entry of “**HOLD OFF**” shall be entered in the *remarks* field of the *Charges Detail* window. In the final release process at County Jail # 1, the release deputy shall enter a notation in the *Comments Field* in JMS indicating, “ICE Detainer Not Honored, Subject Released”. A deputy shall then write, “**NOT HONORED**” across the ICE Detainer. That detainer will be forwarded to ITSS. ITSS will scan the detainer and attach it as a document to the subject’s “Global Subject Jacket” in JMS. The detainer should then be destroyed. This section only applies to a felony 273.5 (a) PC booking and no other felony offense.

4) RELEASE ELIGIBILITY

Prior to any release as indicated in #1 #2, or #3 above, a deputy shall check the subject’s Criminal History Information in CII and the FBI criminal history databases. Individuals are not eligible for release and ICE Detainers shall be booked and/or honored for anyone who has been previously convicted of:

- a felony offense(s) or
- two misdemeanor offenses (resulting from two different criminal cases)

OR

Prior to any release as indicated in #3 above, a deputy shall check the subject’s Criminal History Information in CII and the FBI criminal history databases. Individuals are not eligible for release and ICE Detainers shall be booked and/or honored for anyone who has been previously arrested for any:

- domestic violence offence either for a felony or misdemeanor classification, or
- violation of a domestic violence protective order

Proposed Policy Re: Civil Immigration Hold Requests in King County

DRAFT – Amended 11-18-11

Section I. It is the policy of King County (County) to honor civil immigration hold requests from United States Immigration and Customs Enforcement (ICE) by holding adult inmates for an additional 24-hour period after they would otherwise be released in accordance with the following policy:

- A. Upon receipt of a written immigration hold request by an ICE agent to detain a County inmate for suspected violations of federal civil immigration law, the County will exercise its discretion to honor the request only where one or more of the following apply:
 - 1. The individual has been convicted of a most serious offense or a sex offense for which he or she is currently in custody.
 - i. For purposes of this policy a most serious offense is any felony listed in RCW 9.94A.030(32) and a sex offense is any felony listed in RCW 9.94A.030(46).
 - 2. ICE provides written certification and case identifying information that the individual has been convicted of a most serious offense or a felony sex offense (as defined in A(1)(i) above), within 10 years of the request, or was released after having served a sentence for a for a most serious offense or a sex offense (as defined in A(1)(i) above) within five years of the request.
 - i. If ICE provides written certification and case identifying information that the individual has been convicted of a homicide crime, an immigration detainer request will be honored regardless of when the conviction occurred.
 - ii. This subsection also applies if ICE provides written certification and case identifying information that the individual has been convicted of a serious or violent offense (as defined in A(1)(i) above), in any jurisdiction which, if committed in the State of Washington, would have been punishable as a most serious offense or a sex offense (as defined in A(1)(i) above).
- B. The County shall not honor detainers for individuals younger than 18 years of age.

Section II: Unless ICE agents have a criminal warrant, ICE agents shall only be permitted access to inmates in County custody upon signed, written consent of the inmate. Access includes in person, telephonic or video conference communication with inmates. Where an inmate provides consent, ICE shall conduct any interviews or communications with the inmate at no expense to the County.

CITY OF SPRINGFIELD

In the City Council July 18, 2011

- WHEREAS, the City of Springfield strives to be a diverse and inclusive world-class urban community where people unite to form a caring, learning, participating, sustainable community in which each person is important, and
- WHEREAS, public trust in law enforcement officers and their reciprocal respect for the rule of law are vital to promoting public safety, and
- WHEREAS, in the City of Springfield we believe our capacity to maximize public safety depends on the ability of our residents to interact with our local law enforcement authorities without fear due to actual or perceived race, national origin, ethnicity, or immigration status, and
- WHEREAS, the recent unanimous decision by the Springfield City Council to pass a Language Access Ordinance would be undermined by the implementation of Secure Communities, and
- WHEREAS, the Massachusetts House of Representatives, on April 28, 2011, voted against an amendment that would implement the Secure Communities program in the state, and
- WHEREAS, Governor Deval Patrick refused to sign a memorandum of understanding for participation in the Secure Communities Initiative, due to concerns that it would deter the reporting of criminal activity, encourage racial profiling, and would “deteriorate the relationships with communities that have been carefully cultivated with years of hard work”, and
- WHEREAS, the Springfield City Council remains firmly committed to the protection of civil rights and civil liberties for all people,
- WHEREAS, in the event that the City of Springfield is asked to sign a memorandum of understanding for the Secured Communities Initiative, the Springfield City Council urges the Mayor of Springfield to refuse to sign any agreement that would deter the reporting of criminal activity, encourage racial profiling, or would deteriorate the relationships with communities that have been carefully cultivated with years of hard work,

NOW, THEREFORE, BE IT RESOLVED that the Springfield City Council urges the Mayor of Springfield to refuse to sign any memorandums of understanding regarding participation in the Secured Communities Initiative that would deter the reporting of criminal activity, encourage racial profiling, or would deteriorate the relationships with communities that have been carefully cultivated with years of hard work, and where permissible by law, the City of Springfield shall not participate in said program.

CITY OF NORTHAMPTON

MASSACHUSETTS

August 18, 2011

In City Council,

Sponsored by City Council President David Narkewicz, Councilor Pamela Schwartz,
and Police Chief Russell Sienkiewicz

A Resolution of the Northampton City Council on the Secure Communities Program and the Preservation of Our Civil Rights

Whereas, the City of Northampton recognizes the vital importance of protecting civil rights and civil liberties; and

Whereas, the City of Northampton provides a broad range of services to a diverse population, all who contribute to the vitality of the community, helping establish its unique character and identity; and

Whereas, the City Council of Northampton, motivated by the commitment to "uphold the human rights of all persons in Northampton and the free exercise and enjoyment of any and all rights and privileges secured by our Constitutions and laws of the United States, the Commonwealth of Massachusetts and the City of Northampton," passed an ordinance in 1998 which established the Human Rights Commission of the City of Northampton; and

Whereas, the City Council of Northampton passed a resolution in 2002 stating the city's request that local law enforcement preserve residents' freedom of speech and privacy in the wake of the passage of the USA PATRIOT Act, and that local law enforcement respect these principles to be transparent as much as legally and practicably possible; and

Whereas, several acts and orders recently enacted at the Federal level, including the Secure Communities initiative and other Immigration and Customs Enforcement (ICE) programs may call into question fundamental rights under the Massachusetts and U.S. Constitutions; and

Whereas, it is recognized this resolution does not intend to regulate local law enforcement participation with ICE programs commonly referred to as the Child Predator Program, Internet Crimes Against Children (ICAC) and other internet, human trafficking and similar initiatives recently supported by the Massachusetts Legislature involving local law enforcement; and

Whereas, the Northampton Police Department agrees that all residents and visitors of Northampton can feel comfortable notifying the police if they are the victim of or witness to a crime, can come forward without fear of deportation or detention, and can continue to rely on the department to offer immigrants legal issues referral information both online and in the station lobby; and,

Whereas, Governor Patrick announced his decision to not participate in the Secure Communities program, and

Whereas, the Massachusetts House of Representatives voted on April 28, 2011 against an amendment that would implement the Secure Communities program in the Commonwealth, and therefore, the City Council of Northampton, Massachusetts, aims to demonstrate its commitment to the protection of civil rights and civil liberties for all people, then

Now, Therefore Be It Resolved, that the City of Northampton and its officials and employees, to the extent permissible by law, shall not participate in federal law enforcement programs relating to immigration enforcement, including but not limited to, Secure Communities, and cooperative agreements with the federal government under which city personnel participate in the enforcement of immigration laws, such as those authorized by Section 287(g) of the Immigration and Nationality Act. Should the Commonwealth of Massachusetts enter into an agreement or Memorandum of Agreement regarding Secure Communities, the City of Northampton shall opt-out if legally and practicably permissible. Municipal employees of Northampton, including law enforcement employees, shall not monitor, stop, detain, question, interrogate, or search a person for the purpose of determining that individual's immigration status. Officers shall not inquire about the immigration status of any crime victim, witness, or suspect, unless such information is directly relevant to the investigation, nor shall they refer such information to federal immigration enforcement authorities unless the information developed is directly relevant. The use of a criminal investigation or arrest shall not be used as a basis to ascertain information about an individual's immigration status unless directly relevant to the offenses charged; and

Be it Further Resolved that, the Northampton City Council urges the Mayor of Northampton to refuse to sign any memorandums of understanding regarding participation in the Secure Communities Initiative that would deter the reporting of criminal activity, encourage racial profiling, or would deteriorate the relationships with citizens from every corner of the community we are all proud to inclusively call the City of Northampton.

Vermont State Police | Rules & Regulations

The Vermont State Police Manual is not intended to apply in any criminal or civil proceeding outside of internal Department proceedings. No policy included in this publication should be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

Section V

Chapter 6 – Work Rules

ARTICLE VI – Bias Free Policing

1.0 PURPOSE

1.1 The intent of this policy is to reaffirm the Vermont State Police commitment to unbiased policing, to clarify the circumstances in which members can consider race, ethnicity, gender or other potentially improper criteria when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable and impartial way.

2.0 POLICY

2.1 It is the policy of the Vermont State Police that the department shall not condone the use of any bias based policing in the services our employees provide to the community in connection with our law enforcement activities.

3.0 DEFINITIONS

(1) “Personal Criteria” may include, but are not limited to, race, ethnicity, immigration status, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, religion, and socio-economic level.

4.0 PROCEDURE

4.1 Bias-Free Policing: General Principles

(1) As required by statutes, Chapter I, Article 11 of the Vermont Constitution and Amendment IV of the United States Constitution, all enforcement actions by law enforcement officers, such as investigative detentions, traffic stops, arrests, searches and seizures, etc., must be based on reasonable suspicion, probable cause, or other required standards.

(A) Law enforcement officers must be able to articulate specific facts, circumstances, and conclusions which support the required standard for enforcement actions.

(B) Law enforcement officers may take into account the reported race, ethnicity or other personal criteria of suspects based on credible, reliable, locally-relevant information that links persons of specific description criteria to particular criminal incidents.

(2) Except as provided in 4.1(1) above:

(A) Law enforcement officers will not consider race, ethnicity, or other personal criteria in establishing either reasonable suspicion or probable cause.

(B) Law enforcement officers will not single out or otherwise treat persons differently because of their race, ethnicity, or other personal criteria. Law enforcement officers may allow for special accommodations to be made for individuals with disabilities.

4.2 Preventing Perceptions of Biased Policing

In an effort to prevent inappropriate perceptions of biased law enforcement, each member shall do the following when conducting pedestrian and vehicle stops:

(1) be courteous and professional;

(2) identify himself/herself to the individual (providing name and agency) and state the reason for the stop as soon as practical, unless providing this information will compromise the member's or public safety;

(3) ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the individual understands the purpose of reasonable delays;

(4) answer any questions the individual may have;

(5) Provide the member's name and duty assignment verbally, when requested. Members may also provide the information in writing or on a business card.

(6) Explain if the member determines that the reasonable suspicion was unfounded (e.g., after an investigatory stop).

4.3 – Responding to Bias-Based Reports:

(1) If any member of the agency receives a call for service, whose only foundation has to do with an individual's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, gender identity, marital status, religion, disability, socioeconomic level, immigration status, or other potentially improper personal criteria, the employee will attempt to explore if there are any specific behaviors that call for police response. If no specific behavior is identified, the caller's contact information will be obtained and he/she will be advised that the member in charge of the shift will contact him/her.

(2) The member will contact the shift supervisor and provide the circumstances of the call. The shift supervisor will contact the caller and explain that we do not respond to calls for service that are based solely on a person's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, gender identity, marital status, religion, disability, socioeconomic level, immigration status or other potentially improper personal criteria.

(3) The shift supervisor should attempt to educate the caller on our bias free policing policy and philosophy. He/she should also explain that we respond to behaviors/actions of individuals that appear suspicious, threatening, illegal, etc. and not to situations based solely on a person's characteristics/attributes as defined above. The shift supervisor will document this interaction via an RMS report. In the case of a call for service that is based solely on a caller's suspicion that an individual present in Vermont is an undocumented foreign national, the supervisor shall inform the caller that federal authorities are primarily responsible for enforcing federal immigration law.

4.4 Matters Relating to Immigration and Citizenship Status

(1) General Policies:

(A) Detecting or apprehending individuals whose only violation of law is that they are foreign citizens present in the United States without authorization and proper documentation is not a law enforcement priority for the Vermont State Police. Accordingly, except as noted below, members should not use agency resources, equipment or personnel for the purpose of detecting or apprehending individuals whose only violation of law is that they are present in the United States without authorization and proper documentation.

(B) Members shall not stop, investigate, detain or question an individual solely for the purpose of determining whether the individual is in the United States without authorization and proper documentation.

(C) An individual's presence in the United States without proper documentation or authority, standing alone, when that individual has not been previously removed, is not a criminal violation. Therefore, members may not initiate an investigation based solely on information or suspicion that an individual is in the United States without authorization and proper documentation.

(2) Inquiries Concerning Citizenship Status

(A) Members should not ask an individual about his or her immigration status when investigating a civil violation. If a member needs to identify an individual and that individual does not have identification, the member may use whatever tools, including federal databases, are reasonably necessary to identify the individual under the circumstances. Identification methods may include a foreign passport, consular identification, or other government-issued documents that are reasonably reliable, subject to the same reasonable scrutiny and follow-up for authentication as any other forms of identification.

(B) With regard to investigations involving criminal offenses or suspicious activity, a member may ask an individual about his or her immigration status under the following circumstances:

i) If the member is conducting a criminal investigation or an investigation of suspicious activity based on reasonable suspicion AND the immigration status of the suspect is relevant to the investigation, provided that the investigation is initiated for a reason or reasons *independent of*

information or suspicion that an individual is (or individuals are) in the United States without proper authorization in violation of the civil provisions of federal immigration law; or

ii) After a suspect has been arrested for a criminal violation.

“Suspicious activity” is defined as “Observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity.” As with investigations of civil violations, if a member needs to identify an individual and that individual does not have identification, the member may use whatever tools, including federal databases, are reasonably necessary to identify the individual under the circumstances.

(3) Notwithstanding the provisions in sections 1 and 2, above,

(A) members operating near the Canadian border who have reason to believe that an illegal border crossing has immediately occurred may ask a suspect about his or her immigration status;

(B) members operating near the Canadian border may solicit the support of federal law enforcement in connection with state law matters if reasonably necessary to protect officer and/or public safety; and

(c) members operating near the Canadian border may make inquiries consistent with sections (1) and (2) above.

(4) This policy is not intended to impair relationships with federal authorities, compromise officer safety, or hinder local, state or federal law enforcement priorities. It is not intended to change the Vermont State Police’s cooperation and coordination with federal authorities to enhance border security.

4.5 Compliance

(1) The Vermont State Police are committed to providing periodic cultural training for its members. It is the goal of this Department to ensure that all employees are sensitive to, and aware of, cultural diversity issues and what constitutes biased policing.

(2) The Vermont State Police is committed to the vigorous investigation of complaints of this nature and violations of this policy shall result in disciplinary action.

(3) Additionally, the Vermont State Police has in place committees to review all video tapes on reported use of force, pursuit, and vehicle searches. The opinions and recommendations of each respective committee are forwarded to the Vermont State Police Office of Professional Development for review.

4.6 Supervision and Accountability

(1) Supervisors shall ensure that all members in their command are familiar with the content of this policy and are operating in compliance with it. Supervisors should randomly review records such as

reports or video/audio recordings, or otherwise monitor the conduct of the members in their command for the purpose of ensuring compliance with this policy and to identify training issues.

(2) Upon the request from a member of the public, members will explain how a person should make a complaint regarding an officer's conduct.

(3) All members are required to report allegations, complaints, or knowledge of a suspected violation of this policy in accordance with Section III, Article III, of the Department's Rules and Regulations.

(4) The Department shall investigate alleged violations of this policy in accordance with the provisions of Section III, Article III, of the Department's Rules and Regulations.

Effective December 10, 2003

Revised May 15, 2009

Revised July 15, 2011

Revised November 4, 2011

 <p>State of Connecticut Department of Correction</p> <p>ADMINISTRATIVE DIRECTIVE</p>	Directive Number 9.3	Effective Date 4/16/2012	Page 1 of 11
	Supersedes Inmate Admissions, Transfers and Discharges, Supersedes 11/15/2010		
Approved  Commissioner Leo C. Arnone,	Title Inmate Admissions, Transfers and Discharges		

1. Policy. The Department of Correction shall admit, transfer and discharge inmates in a manner consistent with accountability, safety and security. The Department shall endeavor to release inmates to suitable housing whenever possible. Further, the provisions of this directive concerning compliance with immigration detainers are intended to ensure sound use and preservation of correctional resources. Nothing in this directive reflects a conclusion or doubt with respect to the legality or propriety of any past instance of compliance with an immigration detainer. This policy with respect to immigration detainers has been promulgated solely for the purpose of internal Department of Correction guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, that are enforceable by law by any matter, civil or criminal, nor does it place any limitations on otherwise lawful administrative prerogatives of the Department of Correction.

2. Authority and Reference.

- A. Public Law 108-79, Prison Rape Elimination Act of 2003.
- B. Connecticut General Statutes, Sections 7-135, 9-46a, 18-81, 18-93, 53-21, 53a-13, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 54-97, 54-102g, 54-102h and 54-102r.
- C. Administrative Directives 3.11, Gate Money; 4.2, Sentence Computation and Time Keeping; 4.2A, Risk Reduction earned Credit; 6.4, Transportation and Community Supervision of Inmates; 6.6, Reporting of Incidents; 6.7, Searches Conducted in Correctional Facilities; 6.10, Inmate Property; 8.1, Scope of Health Services Care; 8.5, Mental Health Services; 8.14, Suicide Prevention and Intervention; 9.1, Population Management; 9.2, Offender Classification; 9.10, Inmate Identification and Movement; 10.7, Inmate Communications; and 10.15, Inmate Personal Identification Procurement and Storage;
- D. American Correctional Association, Standards for the Administration of Correctional Agencies, Second Edition, April 1993, Standards 2-CO-1E-02, 2-CO-4A-01 and 2-CO-4E-01.
- E. American Correctional Association, Standards for Adult Correctional Facilities, Fourth Edition, January 2003, Standards 4-4096, 4-4103, 4-4189, 4-4285, 4-4292, 4-4335, 4-4446.
- F. American Correctional Association, Performance-Based Standards for Adult and Local Detention Facilities, Fourth Edition, June 2004, Standards 4-ALDF-1B-06, 4-ALDF-2A-16, 4-ALDF-4C-22, 4-ALDF-5B-18, 4-ALDF-7D-19 and 4-ALDF-7D-20.
- G. 8 Code of Federal Regulations §287.7(d)

3. Definitions and Acronyms. For the purposes stated herein, the following definitions and acronyms apply:

- A. Admission. The intake processing of an inmate into the legal custody of the Commissioner of Correction.
- B. A/P. Admission and Processing.
- C. CAIT. Computer-Assisted Inmate Transfer.
- D. CAPI. Computer-Assisted Positive Identification.

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- E. CHNS. Correctional Hospital Nursing Supervisor.
- F. Closed Account. A discharged inmate's account with no balance.
- G. Commitment. The court order remanding an inmate to the legal custody of the Commissioner of Correction.
- H. Detainer. Immigration Detainer-Notice of Action DHS Form 1-247 attachment G.
- I. DHS. Department of Homeland Security.
- J. Direct Admission Facility. A correctional facility designated to receive inmates committed by the courts. The following facilities are designated as direct admission facilities: Bridgeport Correctional Center; Corrigan-Radgowski Correctional Center; Hartford Correctional Center; Manson Youth Institution; New Haven Correctional Center; and, York Correctional Institution.
- K. Discharge. The release of an inmate from the legal custody of the Department of Correction.
- L. DNA. Deoxyribonucleic Acid.
- M. DOC. Department of Correction.
- N. Facility. An institution of the Connecticut Department of Correction, including all correctional institutions, correctional centers and residential community service programs.
- O. Gate Money. A predetermined amount of money given to an eligible inmate upon discharge.
- P. HIV. Human Immunodeficiency Virus.
- Q. ICE. U.S. Immigration and Customs Enforcement.
- R. Inmate. Any person, male or female, adult or minor, residing in a Connecticut Department of Correction facility or contracted community residential facility. This term shall include any person serving a state or federal sentence, any person admitted to await trial in any jurisdiction, and any person admitted pursuant to any other provision of law.
- S. New Admission. The initial intake of an inmate, committed by the courts, to the Department of Correction.
- T. Personal Identification. Forms of personal identification shall include, but are not limited to: a birth certificate; social security card; driver's license; non-driver identification card; state identification card; social services identification card; military identification card; passport; and Form I-551, Permanent Resident Card (i.e., green card). When approved by the Department's Security Division, CN 101503, Certified Secondary Identification Document shall also be considered a form of personal identification. Credit cards and non-official identification papers shall not be considered valid forms of identification.
- U. Transfer. Movement of an inmate from one correctional unit to another.
- V. TSC. U.S. DHS, Terrorist Screening Center.
- W. TSDB. U.S. DHS, Terrorist Screening Database
- 4. Admission Area. Each correctional facility shall have an area specifically designated for admitting, receipt processing and discharging inmates.

Each direct admission facility shall provide for the following accommodations: bathing and toilet areas; potable water; secure maintenance of inmate property; access to monitored and privileged telephone services; private screening and intake areas; and on-line booking computer terminals.

- 5. Admissions. Each unit shall ensure the following:

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- A. Authorized Commitment. One (1) or more of the following legal commitments or official documents shall be required prior to the new admission of an inmate to a Department facility:
1. Continuance Mittimus;
 2. Judgment Mittimus;
 3. Remand to Custody;
 4. Bench Warrant;
 5. Family Matters Mittimus;
 6. Capias;
 7. Governor's Warrant;
 8. Interstate Agreement on Detainers;
 9. Temporary Surrender;
 10. Immigration Detainer-Notice of Action DHS Form I-247; and,
 11. *Immigration Detainer Detention/ Release Form CN 9308.*
- B. Authorized Transfer. A copy of CN 9307, Inmate Overview Sheet shall be presented to the receiving facility prior to an inmate being admitted to the facility on a transfer. If CN 9307, Inmate Overview Sheet is not available, a copy of the RT-15 transfer form, RT-50 printout and a CAPI photo of the inmate shall be presented to the receiving facility prior to an inmate being admitted to the facility on a transfer.
- C. Identification. Identification of the committing agent or transporting staff member shall be established prior to admittance to the secured admitting area. Identification of each inmate shall be established prior to the admission of the inmate to the custody of the receiving correctional facility.
1. The identification of a new admission inmate shall be verified as the inmate stated on the commitment papers.
 2. The identification of a transferred inmate shall be established as that of the inmate on the transfer form in accordance with Administrative Directive 9.10, Inmate Identification and Movement.
- D. Arresting/Transporting Officer Documentation. The arresting/transporting officer(s) shall complete Attachment A, Detainee Behavior Questionnaire (Form JD-MS-5) to document the inmate's behavior, physical condition and verbal statements while in the custody of the arresting/transporting officer(s).
- E. Search and Shower. Upon admission to a correctional facility each newly admitted or transferred inmate shall be searched in accordance with Administrative Directive 6.7, Searches Conducted in Correctional Facilities, and at a minimum, each new admission inmate, shall shower with the appropriate pediculosis control shampoo with the exception of pregnant inmates who shall be provided an alternative process of quelling by a Physician or Physician Extender.
- F. Property Inventory. Upon admission to a facility an inmate's property shall be inventoried and processed in accordance with Administrative Directive 6.10, Inmate Property.
- G. Inmate Data. Each Unit Administrator shall ensure that the CN 9301, Inmate Admission Form or RT-05A/RT-05R and CN 9306, Inmate Intake Form, are completed and/or updated within three (3) business days for each inmate admitted to the facility. The completed form and/or a hard copy of the RT-50 computer screen shall be placed in the

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inmate's master file. A trained staff member shall verify and update relevant computer information for each admitted inmate in accordance with Administrative Directive 4.2, Sentence Computation and Time Keeping.

- H. Health Evaluation. Prior to admission, each inmate shall be visually screened and interviewed by admitting staff to check the inmate for any obvious health problems in accordance with Administrative Directives 8.1, Scope of Health Services Care and 8.5, Mental Health Services. Custody staff shall review a newly admitted inmate's RT-74 information for any previous medical, mental health or suicide risk information and shall document such information in the "Custody Information" section of Attachment B, Intake Health Screening (HR-001). A copy of the RT-74 information shall be forwarded along with Attachment B, Intake Health Screening (HR-001). Health services staff and/or the Shift Commander shall be contacted upon discovery of any health-related problems to determine if an inmate may be refused admittance to the facility due to the problem. No new admission inmate shall be admitted if a serious health problem exists. It shall be the responsibility of the committing agent to provide treatment prior to admission.

Inmates identified with statistically high risk factors for self-harm shall be referred to the Mental Health Unit. Inmates determined to be detoxifying from drugs or alcohol, medically unstable or mentally ill shall be identified and referred to unit and treatment staff for appropriate follow-up, and shall be considered for specialized housing (i.e., inpatient hospitalization).

Admitting staff shall be aware of any suicide risk factors or behavior and shall report the observation of any suicide factors to the health services staff and/or the Shift Commander in accordance with Administrative Directive 8.14, Suicide Prevention and Intervention. Suicide factors shall include, but are not limited to, the following:

1. First DOC incarceration;
2. Recent loss (e.g., death, divorce, etc.);
3. Auditory/visual hallucinations;
4. Recent transfer or status change;
5. Recent court disappointment;
6. Changes in personal relationships;
7. Detoxifying from drugs and/or alcohol;
8. Changes in physical condition;
9. Deteriorating health condition;
10. Statements made by the inmate;
11. Statements from family, friends or community providers;
12. Threats or perceived threats from other inmates; and,
13. Encouragement from other inmates to commit suicide.

- I. Refusal of Inmate. An inmate may be refused admission to a facility if the conditions of Section 5 of this Directive are not met. Such refusal shall be documented through the completion of CN 6601, Incident Report, with photographs, whenever possible, in accordance with Administrative Directive 6.6, Reporting of Incidents. If an inmate is being held solely on an ICE Detainer and upon completion of Immigration Detainer Detention / Release Form CN9308, it was

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determined the offender is not an unacceptable risk to public safety based upon the data/info provided, the inmate shall be released.

- J. Health Intake Screening. Attachment B, Intake Health Screening (HR-001) shall be completed by a health services staff member and a custody staff member for each new admission to the Department.
 - J. Mail and Phone Regulations. A new admission inmate shall be requested to sign CN 100701, Notification and Acknowledgment for Inmates in accordance with Administrative Directive 10.7, Inmate Communications, prior to making a phone call.
 - K. Zero Tolerance Policy. Each inmate shall receive a copy of the Prison Rape Elimination Act Zero Tolerance Policy.
6. Transfers. Each inmate shall be transferred in accordance with Administrative Directives 6.4, Transportation and Community Supervision of Inmates; 6.7, Searches Conducted in Correctional Facilities; 6.10, Inmate Property; 9.1, Population Management; 9.2, Offender Classification; and 9.10, Inmate Identification and Movement.
- A. Facility Transfers.
- 1. Transfer of Mental Health 4 or 5 Inmates. The Director of Health and Addiction Services, in collaboration with the Director of Psychiatric Services, shall develop and update, as needed, a protocol for transferring mental health 4 and 5 inmates within the Department. At no time shall the score of a mental health 4 or 5 inmate be lowered prior to the notification of the Director of Psychiatric Services, in accordance with the protocol.
 - 2. Transfer of Inmates Other than Mental Health 4 or 5 Inmates. At a minimum, the following steps shall be followed prior to transferring an inmate, other than a mental health 4 or 5 inmate, to another correctional facility:
 - a. the inmate's identification shall be verified in accordance with Administrative Directive 9.10, Inmate Identification and Movement;
 - b. the master file shall be reviewed to check for warrants, detainers, pending court cases, release date confirmation, classification ratings, and any other information that may affect the transfer;
 - c. CN 9307, Inmate Overview Sheet shall be used to transfer an inmate (if CN 9307, Inmate Overview Sheet is not available, a copy of the RT-15 transfer form, RT-50 printout and a CAPI photo of the inmate shall be compared for accuracy and to confirm the inmate's identity prior to transfer);
 - d. the transfer authorization shall be confirmed by a custody supervisor;
 - e. the CN 9302, Transfer and Discharge Checklist shall be completed; and,
 - f. all requirements of sexual offender registration are satisfied when transferring from a higher level facility to a Level 3 facility.
- B. Community Transfers. At a minimum, the following steps shall be completed prior to transferring an inmate to the community, to include furloughs:

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1. the inmate's identification shall be verified in accordance with Administrative Directive 9.10, Inmate Identification and Movement;
 2. the master file shall be reviewed to check for warrants, detainers, pending court cases, release date confirmation, classification ratings, and any other information that may effect the transfer;
 3. CN 9307, Inmate Overview Sheet shall be used to transfer an inmate (if CN 9307, Inmate Overview Sheet is not available, a copy of the RT-15 transfer form, RT-50 printout and a CAPI photo of the inmate shall be compared for accuracy and to confirm the inmate's identity prior to transfer);
 4. the transfer authorization shall be confirmed by a custody supervisor;
 5. the RTM1 screen shall be completed and acknowledgment of such shall be confirmed between the sending facility's Unit Administrator or designee and the field office;
 6. the CN 9302, Transfer and Discharge Checklist shall be completed;
 7. all requirements of sexual offender registration and Felony DNA are satisfied, when applicable;
 8. for a transfer to a residential community program, CN 9303, Facility to Residential Program Transfer Acknowledgement, shall be initiated;
 9. for a transfer to a residential community program, the Health Services Unit shall be notified; and,
 10. If the inmate does not have a valid form of identification upon discharge, identification may be provided in accordance with Administrative Directive 10.15, Inmate Personal Identification Procurement and Storage.
7. Court Trips/Profile Checks. All inmates scheduled for transfer for court purposes shall have a profile check conducted by records staff of the sending facility. The profile check shall ensure the following:
- A. There are no inmates at the receiving facility profiled against the inmates arriving for court. Should a profile exist, staff shall initiate a RT-64 to ensure inmates profiled against one another are not scheduled for court on the same day.
 - B. Should profiled inmates be scheduled for court on the same day, records staff from the sending facility shall notify the Records Office at the receiving facility, who shall in turn notify A/P staff of the profiles. A/P staff shall ensure the profiled inmates are kept separate at all times. A/P staff shall relay all profile information verbally to the Judicial Marshals upon their arrival. A/P staff shall also provide profile information in writing to the Judicial Marshals using the special instructions/comment section on CN 9307, Inmate Overview Sheet.
 - C. Only inmates who have profiles or co-defendants scheduled to appear at the same court or facility (Bridgeport CC, Corrigan-Radgowski CC, New Haven CC, MacDougall-Walker CI or Hartford CC) shall have their profiles listed in the special instructions/comment section of CN 9307, Inmate Overview Sheet.

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and/or co-defendants a facility and/or court house can accommodate without making special arrangements. Facility records staff shall ensure the Court Trip Add-on/Cancellation Form is completed for those inmates not already CAITed for court and shall ensure the procedures outlined in subsections A through C above are followed. Once all sections on the Court Trip Add-on/Cancellation Form are completed, "Clear to Transport" shall be written on the bottom of the Court Trip Add-on/Cancellation Form.

8. Registration of Sexual Offenders/Felony DNA Collection. The Director of Offender Classification and Population Management shall issue and revise as necessary guidelines for the registration of sexual offenders and the collection of a biological sample for the purposes of Felony DNA.

9. **Discharges.** No inmate shall be discharged from the Department until it is established that the inmate has satisfied all legal commitment requirements or detainer. However, an inmate may not be held beyond the authority of commitment. At a minimum, the following steps shall be followed prior to releasing an inmate unless it is determined that the inmate is an **unacceptable risk to public safety** upon completion of the Immigration Detainer Retention / Discharge form CN 9308.
 - A. A check of the inmate's master file to see that the requirements of sexual offender registration have been satisfied.
 - B. The inmate's identity shall be verified and a new photograph taken in accordance with Administrative Directive 9.10, Inmate Identification and Movement. If the inmate does not have a valid form of identification upon discharge, identification may be provided in accordance with Administrative Directive 10.15, Inmate Personal Identification Procurement and Storage.
 - C. A warrant and detainer check shall be conducted.
 - D. **The discharge authorization shall be confirmed by the Unit Administrator or designee.**
 - E. Expiration of sentence shall be verified by the Records Office.
 - F. **CN 9302,** Transfer and Discharge Checklist shall be completed and returned to the Records Office for filing in the inmate's master file.
 - G. **CN 9307,** Inmate Overview Sheet shall be generated and compared to the inmate being discharged (if CN 9307, Inmate Overview Sheet is not available, a copy of the RT-50 printout along with a CAPI photo of the inmate shall be generated and compared to the inmate being discharged).
 - H. A copy of **CN 9304,** Certification of Discharge shall be provided to the inmate. For reentry furloughs, a copy of CN 9304, Certification of Discharge shall be provided by the facility to the inmate upon the inmate's release to the reentry furlough. For Transitional Supervision cases where the inmate has seven (7) or less days to serve on his/her sentence, a copy of CN 9304, Certification of Discharge shall be provided by the facility to the inmate upon the inmate's release to Transitional Supervision.

CN 9304, Certification of Discharge shall contain language informing inmates who have been convicted of a felony and committed to the custody of the Commissioner of Correction and are eligible to have their electoral privileges restored or granted pursuant to Section 9-46a of the Connecticut General Statutes, of the right and procedures to have such privileges restored.

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10. Detention/Release of an inmate who is held solely on an ICE Detainer.

- A. Upon determination that all legal holds are satisfied, the Shift Supervisor/Commander shall contact the facility Duty Officer who shall be responsible for determining whether an inmate with an ICE Detainer is to be detained as an inmate in the Connecticut Department of Correction. Determination that the inmate may be an unacceptable risk to public safety shall be made upon completion of Immigration Detainer Detention/Release Form CN 9308.

The Facility Records Specialist, Shift Supervisor/ Commander or other designated staff shall review and document findings on Immigration Detainer Detention/ Release Form CN 9308, including but not limited to:

- 1 Prior felony convictions;
 - 2 Any pending Connecticut charges where bond has not been posted;
 - 3 Any outstanding Connecticut warrants;
 - 4 Identified as a known gang member in the database of the National Crime Information Center (NCIC) or any similar database or designated as a Security Risk group or Security Risk Group Safety Threat in the Department of Correction;
 - 5 Identified as a possible match in the terrorist screening database or similar database;
 - 6 ICE initiated removal proceedings and served a Notice to Appear or other charging document;
 - 7 ICE served a warrant of arrest for removal proceedings;
 - 8 Previously or currently subject to a final Order of Deportation or Removal issued by United States; and,
 - 9 Any other Public Safety concerns.
- B. Under no circumstances shall an inmate being detained solely on an ICE Detainer be held beyond 48 hours, excluding Saturdays, Sundays, or Federal Holidays.
- C. If a determination has been made to detain the inmate, a copy of Immigration Detainer - Notice of Action DHS Form I-247 shall be delivered to the inmate. The delivering staff member shall not discuss the Immigration Detainer with the inmate. If the inmate has any questions regarding the detainer, the inmate shall be referred to the information on the back of the detainer, which includes the telephone number of the ICE Joint Intake Center.
- D. Upon determination by the facility Duty Officer that the inmate is to be detained, ICE shall be notified by contacting the local ICE office at the telephone number listed on the detainer, or by contacting the ICE Law Enforcement Support Center in Vermont at 802-872-6020. The ICE Agent shall be informed that the inmate will be held for a maximum of forty eight (48) hours (excluding Saturdays, Sundays and/or Federal holidays) from the time of facility intake processing.
- E. After determination by the Facility Duty Officer that the inmate is to be immediately detained, the Duty Officer must sign on the next business day and forward the CN 9308 pages 1,2 and 3 and supporting documentation to the Director of O.C.P.M. no later than 48 hours upon completion.
- F. In the event that ICE fails to take custody of the inmate within forty-eight (48) hours (excluding Saturdays, Sundays and/or Federal holidays) the inmate shall be released. At such time, ICE, the Facility Duty Officer

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and the Director of O.C.P.M. shall be notified. Notification to the Director of O.C.P.M. must be in writing.

- G. A copy of the Immigration Detainer Detention/Release Form CN 9308 shall be attached to the ICE Detainer in section 4 of the master file.
- H. If an inmate is newly admitted or readmitted solely on an ICE Detainer, a Connecticut warrant check will be completed prior to ICE assuming custody of the inmate. Records will notify the AP staff once a pick up date has been established by ICE.
- I. The Department of Correction will modify this section as necessary to assure compliance with State or Federal law and or pertinent court decisions.

11. Health Procedures for Discharge Planning.

- A. Inmate Discharge. Records staff shall provide a 60-day End of Sentence List to the Health Services Unit. The CHNS or designee shall be responsible for completing Attachment C, Inter-Agency Patient Referral Report (W-10) for inmates with a health and/or mental health score of 3 or above. Attachment C, Inter-Agency Patient Referral Report (W-10) shall be completed as close to the discharge date as possible. Attachment C, Inter-Agency Patient Referral Report (W-10) shall be sealed in an envelope with a confidential sticker and hand delivered to the Records Office, where Attachment C, Inter-Agency Patient Referral Report (W-10) shall be attached to the CN 9302, Transfer and Discharge Checklist. The Health Services Unit, at a minimum shall provide a two-week supply of discharge medication to the inmate. In facilities with 24-hour health services coverage, discharge medications shall be dispensed to the inmate with instructions by health services staff upon release. In facilities with less than 24-hour coverage, medication instructions shall be reviewed with the inmate, the day prior to discharge, which shall be documented in the inmate's health record. The discharge medications with written instructions shall be placed in a lockbox in the Shift Commander's office to be provided to the inmate upon discharge.
- B. Community Release. The procedure outlined in subsection A of this Section shall be followed for inmate's being released to a community release program. A hold may be placed on an inmate with a health or mental health 3 or 4 for up to 72 hours so that medications can be delivered prior to release.
- C. Parole Release. Records staff shall notify the Health Services Unit of an inmate being released on parole. The CHNS shall be responsible for completing Attachment C, Inter-Agency Patient Referral Report (W-10) and having it hand delivered to the Records Office in an envelope sealed with a confidential sticker. Medication shall then be ordered to the facility closest to the inmate for pickup.
- D. Inmates Leaving From Court. Inmates shall be provided an Information Card which shall state to call the facility for health information. Inmates currently taking prescription medications shall be provided an opportunity to receive a two-week supply of discharge medications. The contracted health care provider shall make the medication available for pick up, by the inmate, at either the discharging facility or the contracted pharmacy.

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E. Records of Inmates with HIV Infection. Prior to the release of an inmate with HIV infection from a facility to the community, health care staff shall prepare a discharge packet. The information which is provided in the discharge packet shall include all current diagnoses, current problems, treatments which have been provided, the inmate's response to treatment, complications noted, allergies description of condition on discharge, and any follow-up instructions. A copy of the discharge packet shall be placed in the inmate's health record as well as being forwarded to the community health care provider. The inmate shall be offered a copy of the discharge packet.

When an inmate with HIV infection is transferred to community release or discharged from the Department, HIV health information shall be forwarded to the contract provider's Risk Management Unit.

12. Closed Accounts. Thirty days prior to discharge, an Attachment D, Request for Account Balance Form shall be submitted by a staff member to the Inmate Trust Fund Office to release an inmate's balance of account. Upon notice of release or discharge and receipt of authorizing documentation, a check for the inmate's account balance shall be prepared. The check shall be mailed to an address provided by the inmate. The inmate may receive the check upon discharge at the facility if 30 days notification is provided. The reconciling and check cutting transactions shall close the account. Closed account records shall be retained until audited by the Auditors of Public Accounts.
13. Gate Money. Thirty days prior to discharge, an Attachment E, Gate Money Request Form shall be submitted, in accordance with Administrative Directive 3.11, Gate Money, to the Inmate Trust Fund Office for eligible discharging inmates. Upon discharge, the gate money check shall be given to the inmate. In the event the inmate does not receive it upon discharge, the gate money shall not be forwarded.
14. Discharge Planning Policy. **CN 9305**, Discharge Planning Checklist and Transportation Log shall be initiated by the Records Office 60 days prior to an inmate's discharge. The checklist shall then be forwarded to the inmate's unit counselor so arrangements can be made in the following areas to facilitate a smooth transition into the community:
 - A. DNA Sample, if applicable;
 - B. Sex Offender Registration, if applicable;
 - C. Medication;
 - D. Transportation;
 - E. Discharge clothing;
 - F. Personal identification;
 - G. Housing;
 - H. Inmate account and gate money; and,
 - I. Aftercare program referrals (i.e., medical, mental health and addiction services).

The completed CN 9305, Discharge Planning Checklist and Transportation Log shall be returned to the Records Office for filing in the inmate's master file. Inmates released at court shall be provided, when possible, with Attachment F, Department of Correction Discharge Resource Card to assist with their transition into the community.

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Each facility shall, in accordance with this Directive, develop and maintain a unit policy governing the procedure for community release placement and discharge to provide a continuum of care into the community.

15. Discharge Resource Card. Each inmate shall receive a Discharge Resource Card (Attachment F) at the time of discharge. A/P staff shall document the inmate's receipt of the Discharge Resource Card (Attachment F) by checking the appropriate box on CN 9302, Transfer and Discharge Checklist.

Each facility responsible for discharging inmates shall maintain an adequate stock of the Discharge Resource Card on hand. Discharge Resource Cards shall be ordered from the appropriate district warehouse.

16. Forms and Attachments. The following forms and attachments are applicable to this Administrative Directive and shall be utilized for the intended function.

- A. CN 9301, Inmate Admission Form;
- B. CN 9302, Transfer and Discharge Checklist;
- C. CN 9303, Facility to Residential Program Transfer Acknowledgement;
- D. CN 9304, Certification of Discharge;
- E. CN 9305, Discharge Planning Checklist and Transportation Log;
- F. CN 9306, Inmate Intake Form;
- G. CN 9307, Inmate Overview Sheet;
- H. CN 9308 Immigration Detainer Detention / Release Form.
- I. Attachment A, Detainee Behavior Questionnaire (Form JD-MS-5);
- J. Attachment B, Intake Health Screening (HR-001);
- K. Attachment C, Inter-Agency Patient Referral Report (W-10);
- L. Attachment D, Request for Account Balance Form;
- M. Attachment E, Gate Money Request Form; and,
- N. Attachment F, Department of Correction Discharge Resource Card;
- O. Attachment G, Immigration Detainer - Notice of Action DHS Form I-247 (10/11).

17. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner of Correction.



Immigration Detainer Detention/Release Form

Connecticut Department of Correction

CN 9308/1
REV 4/16/12

Inmate Name:	Inmate Number:	Facility/Unit:
Name on Detainer:	FBI Number:	Date:

This form shall be used to determine whether an inmate may be detained solely on an ICE Detainer. This form must be completed by the Facility Records Specialist, Shift Supervisor/Commander or other designated staff.

The form shall be used for:

- 1) Any inmate who has completed his/her Connecticut sentence and satisfied all legal holds including fines constituting part of the sentence; or
- 2) Inmates newly admitted or readmitted with only an ICE Detainer.

If it is determined that this inmate may be an unacceptable risk to public safety, the inmate shall be held in accordance with procedures in Section 10 of AD 9.3.

To determine if any further review of the inmate is required complete step 1.

1) Check I-247 Immigration Detainer – Notice of Action form to determine the status of the detainer.

If the following box is checked on the I-247, the inmate shall be held on the detainer.

Obtained an order of deportation or removal from the United States.

**Inmate will be held. Contact ICE immediately to arrange for pick up.
Sign form CN 9308 and hold the inmate for 48 hours excluding weekends and Federal holidays.**

2) If the box on the I-247 is checked that reads:

- A. Initiated an investigation to determine whether this person is subject to removal from the United States.
- B. Initiated removal proceedings and served a Notice to Appear or other charging documents.
- C. Served a warrant of arrest for removal proceedings.

PROCEED WITH THE FOLLOWING STEPS:

Only one step needs to be Identified as "YES" to detain the inmate for ICE.

Once one of the conditions has been met, STOP you do not need to complete the other steps.

A) Check DOC RT50 to determine if inmate is currently designated a Security Risk Group Member (SRG) or Security Risk Group Threat Member (SRGTM). Yes or No (circle one)

If **YES**, sign the form CN 9308 and hold the inmate for 48 hours excluding weekends and holidays. **STOP**

If **NO** proceed to Step B.

B) Run Connecticut criminal history (SPRC) and out of state criminal history (FLQH) and review to determine if inmate has ever been convicted of a felony offense. Yes or No (circle one)

If **YES**, sign the form CN 9308 and hold the inmate for 48 hours excluding weekends and holidays. **STOP**

If **NO** proceed to Step C.



Immigration Detainer Detention/Release Form
Connecticut Department of Correction

CN 9308/2
REV 4/16/12

C) Run FLQW for active Connecticut Warrant. Yes or No (CT Warrant)

If **YES**, sign the form CN 9308 and hold the inmate for 48 hours excluding weekends and holidays. **STOP**

If **NO** proceed to Step D.

D) Review FLQW to determine if the inmate has been identified as a gang member or associated with gang members outside the CT DOC. Yes or No (Gang Affiliation outside CT)

If **YES**, sign the form CN 9308 and hold the inmate for 48 hours excluding weekends and holidays. **STOP**

If **NO** proceed to Step E.

E) Review FLQW. If prompted by a warning statement then contact the Terrorist Screening Center (TSC) Call center at **866-872-9001**. If the response is positive, the inmate meets the criteria to hold for ICE.

Do not release this information to inmate or the public. Yes or No (circle one)

If **YES**, sign the form CN 9308 and hold the inmate for 48 hours excluding weekends and holidays. **STOP**

If **NO** proceed to Step F.

F) Run FLLQ to confirm the inmate's status with ICE. If a message is received that the inmate has been ordered for deportation or arrest warrant for deportation, the inmate meets the criteria for holding for ICE.

Yes or No (circle one)

If **YES**, sign the form CN 9308 and hold the inmate for 48 hours excluding weekends and holidays. **STOP**

If **NO** proceed to Step G.

G) Other Public Safety Concerns: Information to include but not limited to significant medical/mental health issues*, significant assaultive history** and or significant information identified through the Department's phone monitoring system***.

YES or NO (circle one)

List reason: _____

If "**NO**" to all of these questions contact ICE for courtesy notification that inmate will be released. During normal business hours contact local Connecticut ICE office at **860-240-3012**. After hours contact the local ICE Duty Office at **860-250-5552**. If no one is available contact the ICE Law Enforcement Support Center in Burlington, VT at **802-872-6020**.

Attach all supporting documentation to this form and file together in section 4 of the inmate's master file.

*Medical/Mental Health Staff; **Custody Staff to Determine; ***Custody Staff to Determine

STAFF MUST PROCEED TO PAGE 3 OF THIS FORM



Immigration Detainer Detention/Release Form

Connecticut Department of Correction

CN 9308/3
REV 4/16/12

Completed by Facility Records Specialist or Shift Supervisor Date: _____

Print name: _____ Signature: _____

Reviewed by Shift Supervisor/Commander Date: _____

Print name: _____ Signature: _____

Contact Facility Duty Officer for decision

Approved by Facility Duty Officer: Yes/No

Name: _____ Time and Date of Contact: _____

Decision: Hold inmate Release inmate

Duty Officer Signature _____ Date of Signature _____

Duty Officer must sign upon arrival at facility on the next business day after form completion.

Forward to Director of OCPM within 48 hours.

If Decision is to Detain Inmate :

CONTACT ICE TO ADVISE INMATE WILL BE HELD FOR 48 HOURS EXCLUDING WEEKENDS AND FEDERAL HOLIDAYS:

ICE Official's name; _____ Time and Date of Contact: _____

CONTACT MADE BY: _____

Review by Director OCPM or Designee. Date _____

Name _____ Signature _____

The Facility has decided to release the inmate and a courtesy call was made to ICE advising the inmate would be released by _____
Date and Time of Release

ICE was advised to contact the Facility prior to the inmate's release time should they choose to pick up the inmate.

ICE location called (circle one) Local Office **860.240.3012**; AFTER HOURS DUTY OFFICE **860-250-5552** OR
LESC VT **802.872.6020**

Other Number: _____
Write in Number called if not circled

Time /Date ICE Contacted _____ / _____

Name and Duty Position of ICE Official Contacted _____ / _____

Attachment G (Sample)

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID:
Event #:

File No:
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)

FROM: (Department of Homeland Security Office Address)

MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS

Name of Alien: _____

Date of Birth: _____ Nationality: _____ Sex: _____

THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY:

- Initiated an investigation to determine whether this person is subject to removal from the United States.
- Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on _____ (Date)
- Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on _____ (Date)
- Obtained an order of deportation or removal from the United States for this person.

This action does not limit your discretion to make decisions related to this person's custody classification, work, quarter assignments, or other matters. DHS discourages dismissing criminal charges based on the existence of a detainer.

IT IS REQUESTED THAT YOU:

- Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject. This request flows from federal regulation 8 C.F.R. § 287.7, which provides that a law enforcement agency "shall maintain custody of an alien" once a detainer has been issued by DHS. **You are not authorized to hold the subject beyond these 48 hours.** As early as possible prior to the time you otherwise would release the subject, please notify the Department by calling _____ during business hours or _____ after hours or in an emergency. If you cannot reach a Department Official at these numbers, please contact the Immigration and Customs Enforcement (ICE) Law Enforcement Support Center in Burlington, Vermont at: (802) 872-6020.
- Provide a copy to the subject of this detainer.
- Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- Notify this office in the event of the inmate's death, hospitalization or transfer to another institution.
- Consider this request for a detainer operative only upon the subject's conviction.
- Cancel the detainer previously placed by this Office on _____ (Date)

(Name and title of Immigration Officer) (Signature of Immigration Officer)

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to the Department using the envelope enclosed for your convenience or by faxing a copy to _____. You should maintain a copy for your own records so you may track the case and not hold the subject beyond the 48-hour period.

Local Booking or Inmate # _____ Date of latest criminal charge/conviction: _____
Last criminal charge/conviction: _____
Estimated release date: _____

Notice: Once in our custody, the subject of this detainer may be removed from the United States. If the individual may be the victim of a crime, or if you want this individual to remain in the United States for prosecution or other law enforcement purposes, including acting as a witness, please notify the ICE Law Enforcement Support Center at (802) 872-6020.

(Name and title of Officer) (Signature of Officer)

Attachment G (Sample)

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice from DHS informing law enforcement agencies that DHS intends to assume custody of you after you otherwise would be released from custody. DHS has requested that the law enforcement agency which is currently detaining you maintain custody of you for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays) beyond the time when you would have been released by the state or local law enforcement authorities based on your criminal charges or convictions. **If DHS does not take you into custody during that additional 48 hour period, not counting weekends or holidays, you should contact your custodian** (the law enforcement agency or other entity that is holding you now) to inquire about your release from state or local custody. **If you have a complaint regarding this detainer or related to violations of civil rights or civil liberties connected to DHS activities, please contact the ICE Joint Intake Center at 1-877-2INTAKE (877-246-8253). If you believe you are the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center at (802) 872-1310.**

NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) de EE. UU. ha emitido una orden de detención inmigratoria en su contra. Mediante esta orden, se notifica a los organismos policiales que el DHS pretende arrestarlo cuando usted cumpla su reclusión actual. El DHS ha solicitado que el organismo policial local o estatal a cargo de su actual detención lo mantenga en custodia por un período no mayor a 48 horas (excluyendo sábados, domingos y días festivos) tras el cese de su reclusión penal. **Si el DHS no procede con su arresto inmigratorio durante este período adicional de 48 horas, excluyendo los fines de semana o días festivos, usted debe comunicarse con la autoridad estatal o local que lo tiene detenido** (el organismo policial u otra entidad a cargo de su custodia actual) para obtener mayores detalles sobre el cese de su reclusión. **Si tiene alguna queja que se relacione con esta orden de detención o con posibles infracciones a los derechos o libertades civiles en conexión con las actividades del DHS, comuníquese con el Joint Intake Center (Centro de Admisión) del ICE (Servicio de Inmigración y Control de Aduanas) llamando al 1-877-2INTAKE (877-246-8253). Si cree que ha sido víctima de un delito, infórmele al DHS llamando al Centro de Apoyo a los Organismos Policiales (Law Enforcement Support Center) del ICE, teléfono (802) 872-1310.**

Avis au détenu

Le département de la Sécurité Intérieure [Department of Homeland Security (DHS)] a émis, à votre rencontre, un ordre d'incarcération pour des raisons d'immigration. Un ordre d'incarcération pour des raisons d'immigration est un avis du DHS informant les agences des forces de l'ordre que le DHS a l'intention de vous détenir après la date normale de votre remise en liberté. Le DHS a requis que l'agence des forces de l'ordre, qui vous détient actuellement, vous garde en détention pour une période maximum de 48 heures (excluant les samedis, dimanches et jours fériés) au-delà de la période à la fin de laquelle vous auriez été remis en liberté par les autorités policières de l'État ou locales en fonction des inculpations ou condamnations pénales à votre rencontre. **Si le DHS ne vous détient pas durant cette période supplémentaire de 48 heures, sans compter les fins de semaines et les jours fériés, vous devez contacter votre gardien** (l'agence des forces de l'ordre qui vous détient actuellement) pour vous renseigner à propos de votre libération par l'État ou l'autorité locale. **Si vous avez une plainte à formuler au sujet de cet ordre d'incarcération ou en rapport avec des violations de vos droits civils liées à des activités du DHS, veuillez contacter le centre commun d'admissions du Service de l'Immigration et des Douanes [ICE - Immigration and Customs Enforcement] [ICE Joint Intake Center] au 1-877-2INTAKE (877-246-8253). Si vous croyez être la victime d'un crime, veuillez en aviser le DHS en appelant le centre d'assistance des forces de l'ordre de l'ICE [ICE Law Enforcement Support Center] au (802) 872-1310.**

AVISO AO DETENTO

O Departamento de Segurança Nacional (DHS) emitiu uma ordem de custódia imigratória em seu nome. Este documento é um aviso enviado às agências de imposição da lei de que o DHS pretende assumir a custódia da sua pessoa, caso seja liberado. O DHS pediu que a agência de imposição da lei encarregada da sua atual detenção mantenha-o sob custódia durante, no máximo, 48 horas (excluindo-se sábados, domingos e feriados) após o período em que seria liberado pelas autoridades estaduais ou municipais de imposição da lei, de acordo com as respectivas acusações e penas criminais. **Se o DHS não assumir a sua custódia durante essas 48 horas adicionais, excluindo-se os fins de semana e feriados, você deverá entrar em contato com o seu custodiante** (a agência de imposição da lei ou qualquer outra entidade que esteja detendo-o no momento) para obter informações sobre sua liberação da custódia estadual ou municipal. **Caso você tenha alguma reclamação a fazer sobre esta ordem de custódia imigratória ou relacionada a violações dos seus direitos ou liberdades civis decorrente das atividades do DHS, entre em contato com o Centro de Entrada Conjunta da Agência de Controle de Imigração e Alfândega (ICE) pelo telefone 1-877-246-8253. Se você acreditar que está sendo vítima de um crime, informe o DHS ligando para o Centro de Apoio à Imposição da Lei do ICE pelo telefone (802) 872-1310.**

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Attachment G (Sample)

THÔNG BÁO CHO NGƯỜI BỊ GIAM GIỮ

Bộ Quốc Phòng (DHS) đã có lệnh giam giữ quý vị vì lý do di trú. Lệnh giam giữ vì lý do di trú là thông báo của DHS cho các cơ quan thi hành luật pháp là DHS có ý định tạm giữ quý vị sau khi quý vị được thả. DHS đã yêu cầu cơ quan thi hành luật pháp hiện đang giữ quý vị phải tiếp tục tạm giữ quý vị trong không quá 48 giờ đồng hồ (không kể thứ Bảy, Chủ nhật, và các ngày nghỉ lễ) ngoài thời gian mà lẽ ra quý vị sẽ được cơ quan thi hành luật pháp của tiểu bang hoặc địa phương thả ra dựa trên các bản án và tội hình sự của quý vị. **Nếu DHS không tạm giam quý vị trong thời gian 48 giờ bổ sung đó, không tính các ngày cuối tuần hoặc ngày lễ, quý vị nên liên lạc với bên giam giữ quý vị (cơ quan thi hành luật pháp hoặc tổ chức khác hiện đang giam giữ quý vị) để hỏi về việc cơ quan địa phương hoặc liên bang thả quý vị ra. Nếu quý vị có khiếu nại về lệnh giam giữ này hoặc liên quan tới các trường hợp vi phạm dân quyền hoặc tự do công dân liên quan tới các hoạt động của DHS, vui lòng liên lạc với ICE Joint Intake Center tại số 1-877-2INTAKE (877-246-8253). Nếu quý vị tin rằng quý vị là nạn nhân tội phạm, vui lòng báo cho DHS biết bằng cách gọi ICE Law Enforcement Support Center tại số (802) 872-1310.**

对被拘留者的通告

美国国土安全部 (DHS) 已发出对你的移民监禁令。移民监禁令是美国国土安全部用来通告执法当局, 表示美国国土安全部意图在你可能从当前的拘留被释放以后继续拘留你的通知单。美国国土安全部已经向当前拘留你的执法当局要求, 根据对你的刑事起诉或判罪的基础, 在本当由州或地方执法当局释放你时, 继续拘留你, 为期不超过 48 小时 (星期六、星期天和假日除外)。如果美国国土安全部未在不计周末或假日的额外 48 小时期限内将你拘留, 你应该联系你的监管单位 (现在拘留你的执法当局或其他单位), 询问关于你从州或地方执法单位被释放的事宜。如果你对于这项拘留或关于美国国土安全部的行动所涉及的违反民权或公民自由权有任何投诉, 请联系美国移民及海关执法局联合接纳中心 (ICE Joint Intake Center), 电话号码是 1-877-2INTAKE (877-246-8253)。如果你相信你是犯罪被害人, 请联系美国移民及海关执法局的执法支援中心 (ICE Law Enforcement Support Center), 告知美国国土安全部。该执法支援中心的电话号码是 (802) 872-1310。

ATTENTION IMMIGRANTS: KNOW YOUR RIGHTS!

If you are NOT a United States citizen:

- Your criminal case can affect your immigration status– even if you have a green card! Talk to your lawyer before pleading guilty.
- Immigration (ICE) may want to talk to you while you are in jail. Ask who wants to talk to you before agreeing to a counsel visit.

If Immigration (ICE) wants to interview you at Rikers:

- Remember! Anything you say to ICE can be used to deport you.
- You have the right to refuse an interview with ICE.
- You have the right to not say anything.
- You have the right to not sign anything.
- You have the right to ask to speak with your lawyer.
- You should not lie.

You should not be punished for exercising your rights.

Important!

- ICE can put an immigration “**hold**” or “**detainer**” on you if you are deportable.
- If ICE puts a hold on you, ICE will likely pick you up from the jail. To allow ICE to do this, the jail will probably keep you for up to another 48 hours after the time you are supposed to be released. These 48 hours don’t include Saturdays, Sundays, and federal holidays.
- If ICE doesn’t pick you up within 48 hours, the jail must release you right away. If you’ve been jailed past the 48 hours, the jail says: 1) you should let your lawyer know; 2) you should contact your Housing Area Officer and Counseling Services; and 3) you should ask your family or friends to call “311.”

For more information call:

- Immigrant Defense Project at **(212) 725-6422**
- Families for Freedom at **(646) 290-5551**

These groups offer free advice and help to immigrants dealing with criminal charges and their families. **They do not represent people in immigration court.**

FORM 144

Date: _____
Inmate: _____
Book & Case No.: _____
Tier/Housing Area: _____

An Immigration and Customs Enforcement (ICE) agent would like to interview you to find out whether you can be deported. You do not have to speak with the ICE agent and there is no penalty if you refuse. You can also choose to only go to the interview with a lawyer. The government will not pay for your lawyer. Anything you say to the ICE agent at the interview may be used to deport you.

For Inmate – **Please pick ONE of the following and sign your name to that option:**

- I do not agree to be interviewed by Immigration and Customs Enforcement (ICE).
- I agree to be interviewed by Immigration and Customs Enforcement (ICE) only if my lawyer is present.
- I agree to be interviewed by Immigration and Customs Enforcement (ICE) without my lawyer.

Inmate's Signature

For DOC Correction Officer or Law Librarian:

I certify that the above named inmate viewed the informational DVD at
____: ____AM/PM on ____/____/____.

Name (printed)

Date

Job title/position

Signature of inmate required below if he/she refused to watch the informational DVD:

I, _____, refused to view the informational DVD.

FORM 144

Fecha: _____
Preso: _____
Numero de Libro y Caso: _____
Piso/ Área de Dormitorio: _____

Un agente de inmigración (ICE) le gustaría hacerle una entrevista para averiguar si usted puede ser deportado. Usted no tiene que hablar con el agente de inmigración y no hay penalidad si usted se niega. También puede optar por asistir a la entrevista sólo con un abogado. El gobierno no va a pagar por su abogado. Cualquier cosa que diga al agente de inmigración en la entrevista puede ser utilizado para deportarlo.

Para Ser Completado por el Preso – **Por Favor, Elija UNO de los Siguietes y Firme su Nombre a esa Opción:**

- No estoy de acuerdo en ser entrevistado por la inmigración (ICE).
- Estoy de acuerdo en ser entrevistado por la inmigración (ICE), sólo si mi abogado esté presente.
- Estoy de acuerdo en ser entrevistado por la inmigración (ICE), sin mi abogado.

Firma del Preso

For DOC Correction Officer or Law Librarian
(Para oficial de DOC o bibliotecaria legal)

I certify that the above named inmate viewed the informational DVD at
_____: ____ AM/PM on ____ / ____ / ____.

Name (printed)

Date

Job title/position

Signature of inmate required below if he/she refused to watch the informational DVD:

I, _____, refused to view the informational DVD.

(Yo, _____, se negó a ver el DVD informativo.)