

FROM: CHIEF'S ORDER
TO :
SUBJ:

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DATE SEPTEMBER 04, 2009

TO COMMANDING OFFICERS, FACILITIES AND DIVISIONS

FROM CAROLYN THOMAS, CHIEF OF DEPARTMENT

SUBJECT PROCEDURES FOR ICE INTERVIEWS WITH INMATES - INMATE'S CONSENT

****** IMMEDIATE ATTENTION ******

1. EFFECTIVE IMMEDIATELY, AND PENDING THE PROMULGATION OF OPERATIONS ORDER ENTITLED "PROCEDURES FOR IMMIGRATIONS AND CUSTOMS ENFORCEMENT (ICE) INTERVIEWS WITH INMATES - INMATE'S CONSENT" THE FOLLOWING PROCEDURES SHALL BE STRICTLY ADHERED TO.

2. IT IS THE DEPARTMENT'S POLICY TO ENSURE THAT INMATES ARE ADVISED OF THEIR RIGHTS WITH RESPECT TO ICE INTERVIEWS. TO THAT END, THE DEPARTMENT SHALL PRESENT THE ICE INMATE CONSENT FORM BOOK (FORM 144 ICE) TO EACH INMATE PRIOR TO PRODUCING THE INMATE TO ICE AGENTS FOR INTERVIEWS.

3. WHEN ICE AGENTS ASK TO SPEAK TO A DOC INMATE, ASSIGNED STAFF WILL ASK THE AGENT TO FILL OUT THEIR PORTION OF FORM 144 ICE (NAME, SIGNATURE, TITLE AND IDENTIFICATION NUMBER).

4. ASSIGNED STAFF WILL ADVISE THE INMATE THAT THEY HAVE A COUNSEL VISIT, AND WILL FILL IN THE TOP PORTION OF FORM 144 ICE. STAFF SHOULD DETERMINE WHETHER THE INMATE SPEAKS ENGLISH OR ANOTHER LANGUAGE. FORM 144 ICE WILL BE AVAILABLE IN ENGLISH AND SPANISH IN THE BOOK, AND MAY BE MADE AVAILABLE IN SEVERAL OTHER DIFFERENT LANGUAGES. STAFF SHALL USE THE FORM THAT THE INMATE IS MOST CAPABLE OF READING. IF AN INMATE NEEDS LANGUAGE ASSISTANCE ABOVE AND BEYOND A FORM IN THEIR LANGUAGE, THE DEPARTMENT WILL ATTEMPT TO FACILITATE SUCH ASSISTANCE.

5. PRIOR TO PRODUCING THE INMATE TO THE COUNSEL VISIT AREA, AND WHILE THE INMATE IS IN THE INTAKE AREA, STAFF WILL PRESENT THE PARTIALLY FILLED OUT FORM 144 ICE TO THE INMATE.

6. STAFF WILL ADVISE THE INMATE THAT AN ICE AGENT WISHES TO SPEAK WITH HIM/HER AND THAT PRIOR TO SPEAKING WITH HIM/HER, THAT THE INMATE SHOULD REVIEW FORM 144 ICE AND CHECK OFF WHETHER THEY WISH TO PARTICIPATE IN THE INTERVIEW WITHOUT THEIR LAWYER, THAT THEY WANT TO WAIT FOR THEIR LAWYER OR THAT THEY DO NOT WANT TO BE INTERVIEWED.

7. THE INMATE WILL ONLY BE PRODUCED TO ICE AGENTS IF THEY CHECKED OFF THE FIRST BOX, WHICH STATES "I AGREE TO ATTEND THIS INTERVIEW WITHOUT MY LAWYER."

8. FORM 144 ICE IS CONTAINED IN A RECEIPT BOOK WHICH IS IN TRIPLICATE FORM; THE INMATE SHALL RECEIVE THE ORIGINAL RECEIPT, COPY #2 WILL GO TO THE ICE AGENTS AND COPY #3 WILL REMAIN IN THE BOOK AS A PERMANENT RECORD FOR THE FACILITY.

9. COMMANDING OFFICERS OF ALL INMATE HOUSING FACILITIES ARE DIRECTED TO ENSURE PICK-UP OF FORM 144 ICE RECEIPT BOOKS, AND INFORMATIONAL POSTERS PRINTED IN BOTH SPANISH AND ENGLISH, FROM THE WILLIAM R. SEGUNA DOCUMENT CENTER (PRINT SHOP) LOCATED IN THE ERIC M. TAYLOR CENTER, BETWEEN 0900-1100 HOURS, ON FRIDAY, SEPTEMBER 4, 2009. EACH FACILITY WILL BE ISSUED TWO (2) FORM 144 ICE RECEIPT BOOKS, AND FIVE (5) INFORMATIONAL POSTERS. ADDITIONAL RECEIPT BOOKS SHALL BE ISSUED PER REQUEST IN ACCORDANCE WITH THE EXISTING FORMS REQUEST POLICY.

10. INFORMATIONAL POSTERS WILL BE CONSPICUOUSLY POSTED IN THE INMATE COUNSEL VISIT AREA, INTAKE, LAW LIBRARY AND INMATE VISIT AREAS.

11. THE COMMANDING OFFICER OF THE CRIMINAL JUSTICE BUREAU SHALL ENSURE ALL RELEVANT SECTIONS OF THE GENERAL OFFICE MANUAL ARE UPDATED TO INCLUDE THE NEW AND/OR REVISED INFORMATION CONTAINED IN THIS TELETYPE ORDER, WITHIN THIRTY (30) DAYS OF THIS TELETYPE ORDER.

12. THE COMMANDING OFFICER OF THE CORRECTION ACADEMY SHALL ENSURE THAT ALL RELEVANT LESSON PLANS ARE UPDATED TO CONFORM TO THE PROVISIONS OF THIS TELETYPE ORDER, AND SHALL SO CERTIFY THE SAME TO THE CHIEF OF ADMINISTRATION WITHIN THIRTY (30) DAYS OF THIS TELETYPE ORDER.

13. COMMANDING OFFICERS OF FACILITIES AND DIVISIONS ARE TO ENSURE THAT THE CONTENTS OF THIS TELETYPE ARE READ AT TWENTY-ONE (21) CONSECUTIVE ROLL CALLS AND POSTED IN APPROPRIATE EMPLOYEE AREAS.

AUTHORITY:
OFFICE OF THE CHIEF OF DEPARTMENT
HA/NO