

MEMORANDUM

TO: Major Steve Chase

FROM: Lt. Michael Barry

DATE: February 28, 2008

RE: Immigration Procedures



When dealing with detainees who enter our facility who were not citizens of the United States, we routinely followed MCSO Policy 324.01; Foreign Nationals and Diplomatic Immunity. Basically, once we determined the detainee was not a citizen of the United States, but a citizen of a foreign country, we would check to determine if a mandatory notification was necessary to their consulate. If mandatory notification was not necessary, we would then provide them with an opportunity to contact their consulate. A form in their native language is provided and they sign and indicate whether or not they want their consulate notified. A criminal history would be run on the detainee and if an immigration warrant was located we would then send a teletype message through NCIC/FCIC to determine if a hold or detainer would be placed on the detainee for I.C.E. (Immigration Customs and Enforcement).

As of January 11, 2008, due to the influx of non US detainees, we have modified our procedures to include the following steps:

- After completing the Consular Notification process, we send an I.A.Q. (Query Immigration and Customs Enforcement Records) with the detainees name, date of birth, height, weight, and any other identifiers he or she may have, such as state ID number, FBI number, social security number, etc, along with the charges the detainee has been arrested for in our county.
- Upon receiving a response from Immigration we will process the inmate through our system. Responses we receive from Immigration range from, the detainee is a legal resident in the United States, the detainee is not a legal resident and is wanted for possible deportation process, there is no record of the detainee in the Immigration files, with the information we have provided.
- In some cases Immigration Officials have requested further information such as photographs and/or fingerprints. We will fax this information to the Immigration Office requesting the information. If requested by Immigration Officials we will placed a detainer or hold on the inmate so that once he/she has completed the local charges, we will release them to the Immigration officials.

Some of the challenges we face with Immigration services, deals primarily around their response times to our requests, and the lack of a centralized information source. Response times to inquiries can be anywhere from less than 30 minutes to 5 hours plus. In cases where the detainee submitted to I.C.E. is a possible deportation subject, it may take upwards of 18 hours to receive a detainer confirmation. This causes problems for the jail staff as a detainee may be able to post a bond and be released from custody well before Immigration is able to supply us with the information about the particular detainees status. We can not legally block a detainee's ability to post a bond, without a legal hold being placed upon the detainee. Time is also a factor for our staff. Sending I.A.Q.'s, waiting for responses, making phone calls to different immigration officials for clarification on detainees status, gathering additional information for immigration such as photos, booking sheets, fingerprints, and palm prints takes away from the deputies regular duties within the facility.

Samples of the forms and messages sent and received are attached.