

**HOWARD COUNTY DEPARTMENT OF CORRECTIONS
POLICY & PROCEDURE**

	SUBJECT:	Admission and Release Procedures
	P & P #:	C-205
	TITLE:	U.S. Immigration and Customs Enforcement
	EFFECTIVE DATE:	October 1, 2020
	REVIEWED BY:	 Janean Ohin, Deputy Field Office Director
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POLICY: This agency has entered into a contract agreement with the U.S. Immigration and Customs Enforcement (ICE) to provide temporary housing for persons legally detained by that federal agency. It is the policy of the Howard County Department of Corrections to **only** accept detainees from ICE who are convicted of crimes of violence as defined in **2019 Maryland Criminal Procedures Annotated Code Title 14, Section §14-101**. It is the responsibility of the Howard County Department of Corrections staff to provide these detainees a decent, humane living environment while administering the necessary custody and security requirements. All staff are expected to be firm, fair and consistent in their treatment of detainees under the jurisdiction of "ICE" authorities. The ICE detainees shall receive orientation and the ICE Detainee Handbook and be guided by such.

REFERENCE: Intergovernmental Service Agreement for Housing Federal Detainees. Performance Based National Detention Standards 2011 (PBNDS2011) Sections 2.1 V., 2.5 V. E. 3 and B.5., **2019 Maryland Criminal Procedures Annotated Code Title 14, Section §14-101**.

DEFINITIONS:

ICE – U.S. Immigration and Customs Enforcement.

PROCEDURES:

I. Agency Cooperation

- A. An office has been provided for use by ICE staff. The office contains necessary equipment for ICE staff to conduct business. Certain equipment is the property of ICE. The office facility remains the property of Howard County and may be used at times, by HCDC staff.
- B. Staff of HCDC and ICE are expected to cooperate and/or assist each other as needed and to maintain a productive, harmonious relationship at all times.

- C. Problems, discrepancies and/or other issues of concern are to be reported to the Security Chief, Deputy Director or Director immediately.

II. Convictions of ICE Detainees

ICE Detainees received from another facility shall only be accepted if ever convicted of the following crimes below.

Universal Citation: MD Criminal Law Code §14-101 (2019)

(a) In this section, “crime of violence” means:

- (1) abduction;
- (2) arson in the first degree;
- (3) kidnapping;
- (4) manslaughter, except involuntary manslaughter;
- (5) mayhem;
- (6) maiming, as previously proscribed under former Article 27, §§385 and 386 of the Code;
- (7) murder;
- (8) rape;
- (9) robbery under §3-402 or §3-403 of this article;
- (10) carjacking;
- (11) armed carjacking;
- (12) sexual offense in the first degree;
- (13) sexual offense in the second degree;
- (14) use of a firearm in the commission of a felony except possession with intent to distribute a controlled dangerous substance under §5-602(2) of this article, or other crimes of violence;
- (15) child abuse in the first degree under §3-601 of this article;
- (16) sexual abuse of a minor under §3-602 of this article if:
 - (i) the victim is under the age of 13 years and the offender is an adult at the time of the offense; and
 - (ii) the offense involved:
 1. vaginal intercourse, as defined in §3-301 of this article;
 2. a sexual act, as defined in §3-301 of this article;
 3. an act in which a part of the offender’s body penetrates, however slightly, into the victim’s genital opening or anus; or
 4. the intentional touching of the victim’s or the offender’s genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
- (17) home invasion under §6-202(b) of this article;
- (18) a felony offense under Title 3, Subtitle 11 of this article;
- (19) an attempt to commit any of the crimes described in items (1) through (18) of this subsection;
- (20) continuing course of conduct with a child under §3-315 of this article;
- (21) assault in the first degree;
- (22) assault with intent to murder;
- (23) assault with intent to rape
- (24) assault with intent to rob;
- (25) assault with intent to commit a sexual offense in the first degree; and
- (26) assault with intent to commit a sexual offense in the second degree.

II. Medical Requirements

- A. ICE Detainees received from another facility must be accompanied by medical records, to include testing for tuberculosis.
 - 1. A detainee with records that indicate a “positive” TB skin test must be accompanied by documentation of a negative chest x-ray or other documentation to verify that the detainee is not infectious.
 - 2. A detainee with records that indicate he/she is infectious will only be accepted by this agency with the approval of the Director/designee.
- B. ICE detainees received that are not from another facility, and/or detainees that are from another facility but have not received a TB skin test within the previous year, shall be seen by HCDC medical staff at the time of intake and shall receive a TB skin test. The detainee may be placed in the ICE unit unless other circumstances dictate an alternate placement.
- C. If it is determined by HCDC medical staff that a detainee is, or may be, positive and infectious at the time of intake, the detainee shall be immediately returned to ICE and removed from this facility.
- D. An ICE detainee who receives a positive reading on his/her skin test shall be scheduled for x-rays and/or other treatment as indicated by medical staff.
- E. Confidential medical information, to include tuberculosis testing results, shall accompany the detainee in a sealed envelope at the time of departure from this facility.

III. Receiving ICE Detainees

- A. Upon delivery of ICE detainee(s), the responsibilities of the ICE staff are as follows:
 - 1. United States Department of Justice Form I-203 attached as Appendix 1, "Order to Detain or Release Alien", must be completed and delivered with the detainee(s).
 - a. This form MUST be signed by the ICE officer authorizing the action.
 - b. The HCDC intake officer receiving the detainee(s) shall sign the form.
 - c. The HCDC intake officer shall ensure the form is complete, and includes date, time, and a notation as to the ICE classification level.
 - d. verification the detainee meets the criteria as noted in Section II of this policy.
 - 2. HCDC intake staff must be provided with medical records, including tuberculosis testing results in a sealed envelope, on detainees that have been delivered from another facility.
 - 3. If available, ICE shall provide one (1) photograph of each ICE detainee with his/her name printed on same.
 - 4. The ICE officer shall remove all detainee property that is not acceptable by HCDC Policy.

- B. Upon delivery of ICE detainees, the responsibilities of the HCDC Intake officer are as follows:
1. ALL ICE detainees MUST be frisk searched PRIOR to the ICE officer exiting the facility. The detainee shall be instructed to empty his/her pockets and remove all hats, outer garments (coats, sweaters, jackets, etc.), jewelry, watches and/or other extraneous articles.
 2. Any contraband located shall be surrendered to the ICE officer.
 3. The intake officer shall complete ALL forms in accordance with HCDC Policy C-200 Intake.
 4. The detainee shall be issued institutional clothing. All clothing/shoes issued must be accounted for and documented in SallyPort JMS. If inoperable, document on the Admission Record HCDC Form C-200e.
 5. ALL ICE detainees shall be assigned an HCDC "ID" number.
 6. An ID card shall be processed and provided to the detainee. The Commitment Officer shall note on the ID card, ICE Level High.
 7. ALL ICE detainees shall be entered into the HCDC data base and money computer programs.
 8. ALL ICE detainee folders shall have an "I" placed on the folder, under the "year" tag.
 9. ALL ICE detainees shall be entered on the U.S. Immigration and Customs Enforcement Daily Intake Receiving/Discharge Record HCDC Form C-205a attached as Appendix 2.
 - a. This form shall be completed daily, when detainees are received/released.
 - b. This form shall be kept in the ICE box in the commitment office.
 - c. The 12 to 8 shift shall ensure that a copy of this form is forwarded to the Audit Coordinator daily and the Records Department for billing purposes, when applicable.
 10. All ICE detainees shall be interviewed by the Intake Officer using the ICE Intake Questionnaire, HCDC Form C-205b, attached as Appendix 3. The Intake Officer shall assign ICE detainees to the receiving unit until classified.
 11. All ICE detainees shall be interviewed by the Intake Office using the ICE PREA Screening, HCDC Form C-205e attached as Appendix 5. The bottom section of this form shall be completed during classification reassessment and signed after completion.
 12. At the time of intake HCDC medical staff shall interview the detainee and/or review his/her medical records so that any appropriate medical action may be

initiated.

13. Classification Staff/designee shall determine a lower or higher-level housing unit for ICE detainees according to their classification by ICE staff. High Level ICE detainees shall be classified to West 6 and West 5 housing units. Low level detainees shall initially be housed as designated by the Director. If there is an issue which requires the Shift Leader's immediate attention, and the detainee cannot be classified to the ICE unit, the classification staff/designee shall request the Shift Leader's review and signature on the Form C-205b. Housing for High level detainees may be changed at the discretion of the Director.

IV. ICE Classification Levels

Currently, ICE detainees who do not have special needs are housed in a designated general population housing unit. Those who have short-term special needs or are security risks may be housed on administrative segregation. Placement on administrative segregation requires follow-up-review by classification staff to determine if continued placement is warranted and completion of form D-306a Placement on Administrative Segregation. The Form C-205b or an Incident Report shall be forwarded to the Classification department. High Level ICE detainees in general population are classified to maximum security status only.

There is only one (1) levels of classification for ICE detainees. The ICE classification criteria that ICE uses are presented below. HCDC houses only high levels and are designated as such by ICE. An ICE detainee may appeal his/her classification decision by sending a written request to the ICE liaison officer. This can be done by kiosk or in writing.

1. High Level

- a. High Level detainees are considered a high-risk category requiring medium to maximum security housing. High Level detainees are always monitored and escorted.

V. Housing, Searches and Security of ICE Detainees

A. Housing

High Level ICE detainees initially shall be housed in a receiving unit once they are received. They will view the Orientation Video their first morning. Once they have viewed the Orientation Video, they will be seen by a classification officer who will complete the ICE Intake Questionnaire. The ICE detainee will then be moved to the designated ICE unit.

1. Male ICE detainees shall be housed in a unit designated specifically for this purpose. Generally, High Level detainees are housed in West 6 and West 5. However, the Director may designate other units. Intake process to include orientation is to occur for Low Level detainees as well.
 2. Female ICE detainees only if approved by the Director shall be housed in an appropriate unit as designated by HCDC Administration on an as-needed basis.
- B. Searches – All ICE detainees are subjected to strip search in accordance with the Department's search policy E-402.

- C. Security rounds in ALL units designated for housing ICE detainees shall be made at one (1) hour intervals.
- D. Should an ICE detainee be placed in Administrative Segregation the detainee shall receive a copy of the Placement on Administrative Segregation HCDC Form D-306a pending classification review.

VI. ICE Detainee Property During Admission

- A. Money in the possession of an ICE detainee, at the time of intake, shall be handled the same as other inmates, in accordance with HCDC Policy C-200 Intake.
- B. ICE detainees are allowed the same clothing property as other inmates in accordance with HCDC Policy H-704 Allowable Inmate/Detainee Property. The exception to this is Court clothes. ICE detainees do not receive Court clothes.
- C. The detainee may retain allowable property his/her possession, or surrender them at intake for safekeeping.
- D. All property shall be itemized and listed on the detainee's Admission Record HCDC Form C-200e, indicating whether the item was retained by the detainee or surrendered for safekeeping.
- E. ICE Form I-387 (02/10) shall be completed in cases where ICE detainees report missing property attached as Appendix 4.
- F. All identification documents for ICE detainees shall be turned over to ICE agents. Documents received in the mail shall be secured in the Audit Office and given to ICE agents on their next visit to the facility.

NOTE: The ICE detainee is to be advised that HCDC accepts no responsibility for items retained in his/her possession unless the loss/damage is caused by negligence and/or willful misconduct of authorized HCDC staff.

VII. Notice of Infraction

- A. When the Department of Corrections personnel have sufficient reason to believe that an ICE detainee has committed a violation of rules, the Reporting Officer shall, within 24 hours of knowledge of a suspected agency violation, complete a Notice of Infraction and Action, HCDC Form H-713. The knowledge of an alleged violation may occur upon review of video recordings, telephone recordings or other investigations (refer to Policy H-713).
- B. The Audit office shall ensure a copy of the Notice of Infraction and Action is provided to the assigned ICE officer.

VIII. Wellness Rounds

ICE detainees who are placed on Administrative or Disciplinary segregation shall receive weekly reviews conducted by the Interdisciplinary Team. The detainee shall receive notification of the review via kiosk.

IX. Medical Notification

Anytime an ICE detainee becomes ill or transported to a hospital for an emergency, the health care provide shall notify the On-duty Shift Leader immediately. The Shift Leader shall notify ICE officials as soon as possible, but no later than two (2) hours of illness.

X. ICE Detainee Visits

A. General Visits: Each detainee shall be permitted two (2) visits per week, unless authorized restrictions have been enforced as authorized by the Security Chief or higher, with Sunday being the first day of the week and Saturday being the last day. Legal/Professional visits are not counted in the permitted visits. (For more information see Policy H-708 Inmate/Detainee Visiting, Section IV.

B. Inmates/detainees receiving personal visits are not permitted to have writing materials unless authorized by a Shift Leader or higher authority.

C. Visiting Schedule:

1. Hendricks Hall and H-1: 6:00 p.m. – 9:00 p.m., on Tuesday, Thursday and Saturday only, Sunday visits shall occur from 9:00 a.m. - 11:00 a.m. 1:00 p.m. and 3:00 p.m. with general population.

2. Holiday visits for ICE detainees are: Christmas, New Year and Easter from 6:00 to 9:00 p.m. regardless of the day the holiday falls on.

Note: The Director/designee may authorize ICE visiting at other times on a case by-case basis, when warranted by circumstances.

D. Legal Visits: Attorneys shall be permitted unlimited visits during the hours of 9:00 a.m. through 9:00 p.m.

E. Video Visitation – See Policy H-708, Section V.

F. Visitor Registration and Appropriate Attire – See Policy H-708, Section VI.

XI. Physical Recreation – See Policies H-706 Inmate/Detainee Recreation, D-304 Inmate/Detainee Disciplinary Segregation, and D-306 Inmate/Detainee Administrative Segregation and Medical Housing.

XII. Inmate/Detainee Marriage

The Howard County Department of Corrections does not permit marriages at the Detention Center. However, an ICE detainee may make a marriage request which should include a signed statement or comparable documentation from the intended spouse confirming marital intent. This request shall be forwarded to the Director, who shall forward the request to ICE officials for handling. Any ICE approved marriages shall take place outside of this department.

- XIII. Allowable Inmate/Detainee Property: Refer to Policy H-704, ICE detainees are allowed the same property as other general population inmates. The exception to this is Court clothes. ICE detainees do not receive Court clothes.
- A. ICE detainees are permitted and upon request **only** to receive a USB flash drive to maintain for the storage of law/legal materials.
 - B. The USB flash drive is considered the property of the Howard County Department of Corrections.
 - C. The ICE detainee shall sign HCDC Form H-704e Issuance and Return of USB Flash Drive acknowledging rules, regulations and receipt of the USB flash drive. This form shall be placed in the detainee basefile.
 - D. The Compliance Office shall maintain a log book of issuance on USB flash drives for PBNDS compliance.
 - E. At the time of release, an ICE detainee shall surrender the USB flash drive to the officer processing the release as part of allowable property. The officer shall have the ICE detainee sign the agreement from his/her basefile acknowledging the agreement.
- XIV. Religious Services (Refer to HCDC Policy J-900, Section VI. Religious Observances and Appendix 4).
- XV. ICE Detainee Transfers
- A. Times and transfer plans are never discussed with the detainee prior to transfer;
 - B. The detainee is not notified of the transfer until immediately prior to departing the facility; and
 - C. The detainee is not permitted to make any phone calls or have contact with any detainee in the general population for security reasons.
- XVI. Authorization, Verification and Release of ICE Detainees Unless Otherwise Authorized in Writing by ICE Staff (referenced in policy C-203).
- A. Detainees under the jurisdiction of U.S. Immigration and Customs Enforcement (ICE) may be released from our facility without involvement of ICE staff. ICE Staff will no longer be required to be on-site for the release to occur. Once the CCO receives the appropriate ICE legal release documents, the detainee will be processed for release. ICE staff shall ensure proper transportation arrangements are in place prior to authorizing the legal release documents.
 - 1. Notification of release from ICE Official;
 - 2. Receipt of an Order to Detain or Release, Form I-203;
 - 3. Documentation of release being concluded or bond out; and
 - 4. Documentation of self release or pick-up.
 - 5. Provide an ICE Official with a courtesy phone call or email of the release.
 - 6. Allow detainee to make appropriate phone call(s) for transportation.
 - 7. Ask detainee if photo identification is needed.

Note: Howard County Department of Corrections will verify the detainee has transportation and will be responsible for assisting with transportation if needed.

- B. Upon release, and only after correct identification has been established by fingerprinting, the ID wristband shall be removed from the detainee. The wristband shall be shredded and disposed.
- C. Detainees shall be released with one (1) set of non-institutional, weather appropriate clothing.
- D. Confidential medical records on each detainee shall be provided to ICE transportation staff at the time the detainee is released from this facility.
- E. Detainees may request his/her medical records upon release from this facility.

XVII. Directors Prerogative

The Director has the authority to revise/change a policy or post order as needed to meet the operational demands of the Department. As the changes are initiated, they may be communicated by an email, memoranda or in rare circumstances verbal due to unforeseen situations.

ATTACHMENTS: Appendix 1, Order to Detain or Release Alien I-203.
Appendix 2, U.S. Immigration and Customs Enforcement Daily Intake Receiving/Discharge Record, HCDC Form C-205a.
Appendix 3, ICE Intake Questionnaire, HCDC Form C-205b.
Appendix 4, Report of Detainee Missing Property, ICE Form I-387(02/10).
Appendix 5, ICE PREA Screening, HCDC Form C-205c.

RESCISSIONS: HCDC Policy C-205 Immigration and Customs Enforcement Detainees effective May 14, 2020.