

## 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.

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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.

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