



State of Rhode Island and Providence Plantations

State House, Room 224
Providence, Rhode Island 02903
401-222-2080

Lincoln D. Chafee
Governor

July 17, 2014

Director Ashbel T. Wall, II
Rhode Island Department of Corrections
40 Howard Ave.
Cranston, RI 02920

Dear Director Wall:

Consistent with *Morales v. Chadbourne, et al.*, --- F.Supp.2d ----, 2014 WL 554478, D.R.I., 2014, I direct the Rhode Island Department of Corrections to implement the enclosed ICE Detainer Policy, effective immediately. This policy supersedes the policy dated July 16, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "L. D. Chafee".

Lincoln Chafee

Enclosure

ICE DETAINER POLICY

“ICE Detainer” shall mean a civil immigration detainer issued by U.S. Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security, pursuant to 8 C.F.R. 287.7.

“RIDOC” shall mean the Rhode Island Department of Corrections.

- A. The RIDOC shall not detain an individual pursuant to an ICE Detainer unless one or more of the following conditions is met:
 - 1. The individual has an outstanding warrant in the state of Rhode Island, other state or U.S. territory, or other recognized foreign jurisdiction, that has not been judicially resolved.
 - 2. ICE has served a judicially issued warrant of arrest for removal proceedings upon the individual.

Any individual held pursuant to Section A shall be detained by the RIDOC for no more than 48 hours beyond the time when the individual would have otherwise been released, excluding Saturdays, Sundays and holidays.

- B. Except as provided in Section A, individuals in the custody of the RIDOC shall be released from the RIDOC custody upon completion of a check with the National Crime Information Center demonstrating no independent basis to hold the individual once bail conditions are satisfied, charges are disposed, or the term of incarceration is completed.
- C. The RIDOC Records and Identification Unit shall be responsible for determining that all legal holds concerning any individual are satisfied, and whether an individual with an ICE Detainer is to be detained by the RIDOC.
- D. If a determination has been made to detain the individual, notice of such detention shall be delivered to the individual. The delivering staff member shall not discuss the ICE Detainer with the individual. If the individual has any questions regarding the ICE Detainer, the individual shall be referred to the information titled “Notice to Detainee” attached to the ICE Detainer.
- E. Upon determination by the RIDOC Records and Identification Unit that the individual is to be detained, ICE shall be notified by contacting the local ICE office at the telephone number listed on the ICE Detainer. A record of this contact, to include the date of contact, the name of the RIDOC staff member who made the contact and the name of the individual at ICE that was contacted, shall be maintained by the RIDOC Records and Identification Unit.
- F. The RIDOC will modify this policy as necessary to ensure compliance with State and/or Federal law and/or pertinent court decisions.

July 17, 2014