

OP-21.02, "Inmates Paroled to Immigration and Customs Enforcement Detainers," JULY 1, 2004

SCDC POLICY/PROCEDURE

Change 1 to OP-21.02: 3.7

NUMBER:OP-21.02

TITLE:INMATES PAROLED TO IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINERS

ISSUE DATE: JULY 1, 2004

RESPONSIBLE AUTHORITY: DIVISION OF CLASSIFICATION AND INMATE RECORDS

OPERATIONS MANUAL:OPERATIONS

SUPERSEDES:OP-21.02 (May 1, 2001)

RELEVANT SCDC FORMS/SUPPLIES: M-30

ACA/CAC STANDARDS:NONE

STATE/FEDERAL STATUTES: NONE

PURPOSE: To set forth the South Carolina Department of Corrections responsibilities concerning the handling and processing of inmates paroled only to Immigration and Customs Enforcement detainees.

POLICY STATEMENT: In order to ensure compliance with statutory mandates and the timely and efficient removal of aliens from the United States, the South Carolina Department of Corrections will, in cooperation with the United States Immigration and Customs Enforcement (ICE) and the South Carolina Department of Probation, Parole, and Pardon Services (DPPPS), identify those inmates who are in the United States in violation of the law and who become subject to ICE immigration deportation proceedings as a result of their conviction. The SCDC will cooperate with the ICE and DPPPS in ensuring that such inmates are appropriately released to ICE custody at the time of their parole.

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1. GENERAL PROVISIONS:

1.1 On at least a monthly basis, the Division Director of Resource and Information Management or designee will coordinate and furnish the United States Immigration and Customs Enforcement (ICE) with a computer printout of all active inmates who claim to have been born outside of the United States or who reported non-U.S. citizenship, regardless of their claimed immigration status. In addition, inmates who did not provide information regarding their birth place or citizenship will also be reported. At a minimum, these printouts will include the following information concerning each inmate:

name and SCDC number;

date of birth and country of birth;

social security number, if reported or if applicable;

offense;

institution of assignment; and

projected parole eligibility date and projected max-out release date.

1.2 The SCDC will ensure that ICE Special Agents are granted access to SCDC institutions to interview and fingerprint inmates suspected of being aliens.

1.3 The SCDC will ensure that photographs of all inmates suspected of being aliens are provided to the ICE upon request.

2. RELEASE PROCEDURES FOR INMATES BEING CONDITIONALLY PAROLED TO ICE
DETAINERS: In the event that an inmate with an ICE detainer is granted conditional parole to that detainer by the Department of Probation, Parole, and Pardon Services (DPPPS) Parole Board, the following steps will be taken:

2.1 An official of DPPPS will contact the Division Director of Classification and Inmate Records or designee by telephone and provide him/her with notification of the inmates conditional parole. The DPPPS official will then be required to forward a follow-up letter of this notification to the Division Director of Classification and Inmate Records.

2.2 The Division Director of Classification and Inmate Records or designee will notify ICE, Atlanta District, of the inmates conditional parole. Classification and Inmate Records personnel will maintain a list of all inmates who have been conditionally paroled to ICE detainees in order to coordinate future transfer to

ICE custody.

2.3 When the number of conditional parolees is sufficient, a representative of the Division of Classification and Inmate Records and officials of the ICE will mutually agree upon a date and location to effect the parole and transfer of such inmates to the custody of the ICE. (NOTE: ICE and SCDC will mutually determine what number of conditional parolees is deemed "sufficient.")

2.4 At the time of conditional parole, a representative of the Division of Classification and Inmate Records, in coordination with the Deputy Director for Health Services, will obtain appropriate medical information for each conditional parolee. The medical information will be forwarded (with the inmates consent) to ICE, Atlanta District, at least one (1) week prior to the transfer of the inmate to ICE custody. (NOTE: Should an inmate refuse to release the required medical information, ICE officials will be notified by a designee from the Division of Classification and Inmate Records.)

2.5 A representative of the Division of Classification and Inmate Records will notify DPPPS of the projected transfer date. DPPPS will process the appropriate paperwork and forward the parole certificates to the appropriate institutional parole examiner to be served on each inmate.

2.6 A representative of the Division of Classification and Inmate Records will coordinate transfer of the inmates to a mutually agreed upon location. ICE officials will take custody of the parolees at that point. (NOTE: The Division Director of Classification and Inmate Records or designee will provide explicit written instructions regarding the transfer to the affected Warden.)

2.7 A representative of the Division of Classification and Inmate Records will review the record of each ICE conditionally paroled inmate for significant changes, to include new disciplinarys, new criminal charges, other detainers, etc. Any information potentially affecting the inmates parole eligibility will be immediately forwarded to the DPPPS for consideration.

3. INMATE PROPERTY:

Inmates paroled to an ICE detainer will be limited to only the following items of property at the time of their transfer to the ICE: (The inmates approved personal items will be stored in a paper bag for the transfer.)

3.1 Clothing: One (1) set of unstenciled clothing is to be worn by the inmate at the time of his/her release from SCDC custody to the ICE. The below-listed guidelines will be followed for the following clothing items:

- Shoes: One (1) pair tennis shoes (bo-bos) worn by the inmate at the time of release;
- Jacket: Only one (1) jacket allowed (during seasonal weather);
- Underwear.

3.2 Jewelry: The following jewelry will be authorized:

- One (1) plain wedding band with no gems; (The wedding band must be worn by the inmate at the time of his/her transfer to the ICE.)
- One (1) watch; (The watch must be worn by the inmate at the time of his/her transfer to the ICE.)
- One (1) religious medallion or medal. (The medallion or medal must be stored with the other approved personal property.)

3.3 Currency: The inmate's E.H. Cooper account will be closed out pursuant to ADM-15.12, "E.H. Cooper Trust Fund."

3.4 Cigarettes: Up to two (2) packs of unopened cigarettes may be taken.

3.5 Photographs: Up to ten (10) non-Polaroid photographs may be taken.

3.6 Personal Letters: Up to five (5) personal letters may be taken.

3.7 Prescriptions/Prescriptive Devices: Any currently prescribed medical devices and/or prescription medications that are approved by SCDC medical personnel for the inmate will be allowed, to include prescribed eyeglasses or contact lenses. (NOTE: SCDC Medical staff will provide the inmate with a ~~two [2]~~ ~~week~~ five (5) day supply of any prescribed medication[s].) This information will be documented on SCDC Supply M-30, "Medical Information for Released Inmates."

3.8 Legal Materials: Only those needed by the inmate for any on-going case will be authorized.

3.9 Bible/Koran: Only one (1) Bible or Koran will be authorized.

(NOTE: No personal hygiene items will be allowed.)

These limitations have been imposed by the ICE. Any other property in the possession of the inmate at the time of his/her transfer to ICE custody will be disposed of in accordance with SCDC Policy/Procedure OP-22.03, "Authorized Inmate Property and Unauthorized Property Disposition."

SIGNATURE ON FILE

s/Jon E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.