

EXHIBIT 52

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

ADA MORALES

v.

**BRUCE CHADBOURNE,
DAVID RICCIO, EDWARD DONAGHY,
GREG MERCURIO, ICE DOES 1-5,
RHODE ISLAND DOES 1-10,
ASHBEL T. WALL,
and the UNITED STATES**

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C.A. NO.: 12-301-M-DLM

**DEFENDANT’S ANSWERS TO PLAINTIFF’S
FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1

Please identify any and all Persons at RIDOC who were involved with the decision to hold Plaintiff pursuant to her 2009 detainer, and describe the nature of that involvement.

ANSWER: It is my understanding that the decision to detain Ms. Morales was made by Edward Donaghy from ICE. Pursuant to then-accepted procedure at the Rhode Island Department of Corrections (“RIDOC”), because the ICE detainer stated that RIDOC was “required” to hold a person for up to 48 hours, in good faith RIDOC followed ICE’s instructions. With respect to Ms. Morales, after Mr. Donaghy forwarded a copy of the ICE detainer to RIDOC, her detention was automatic. Nobody within RIDOC was involved in the decision to hold Ms. Morales. An individual from the Records & ID Units would have simply noted that an ICE detainer had been lodged.

SUPPLEMENTAL ANSWER: Upon review of the roll call sheet for the Women’s Facility, Correctional Officer Perkins-Brown would have been the assigned committing officer when Ms. Morales returned from Court on May 4, 2009. Correctional Officer Tate would have also been in the same wing. With that said, because Ms. Morales had already been committed on May 2, 2009, she would not have been re-committed solely based on the ICE detainer. Additionally, on May 5, 2009, Officer Perkins-Brown would have been the officer that released Ada Morales to ICE. Officer Desiantis would have also been in the same wing. It is also my understanding that on May 4, 2009 Laura Hanley entered the ICE detainer in RIDOC’s INFACFS database. Linda Baton reviewed the entry for quality control purposes. After Ada Morales returned from court on May 4, 2009, Deborah Sherrill contacted ICE to notify ICE that RIDOC was only holding Ada Morales based on the immigration detainer.

INTERROGATORY NO. 2

Please identify and describe Your role with respect to RIDOC's detainer Policies or Practices as of May 4, 2009.

ANSWER: As Director of RIDOC, I am responsible for approving all RIDOC policies. With respect to the then-accepted procedure to honor all ICE detainees, I believe this procedure had been in effect prior to me becoming the Director of RIDOC.

Additionally, recently I became aware of a Standard Operating Procedure ("SOP"), No. 2.08 that is dated January 10, 2000. Generally, I do not approve SOPs. Upon information and belief, I had no involvement with the drafting and approval of SOP No. 2.08. It is my understanding that the Records and ID Units would be responsible for SOP No. 2.08.

SUPPLEMENTAL ANSWER: I became Director of RIDOC in April 2000. SOP No. 2.08 predated my appointment. I asked the Records and ID Units to determine when RIDOC first began honoring ICE detainees, but they were unable to provide an exact or approximate date. According to Captain Haibon, the person with the most years at Records and ID, he believes RIDOC has had this policy throughout his entire 33 year career.

INTERROGATORY NO. 3

Please identify any and all Persons besides Yourself with policymaking authority or supervisory responsibility pertaining to RIDOC's detainer Policies or Practices as of May 4, 2009, and describe the nature of that authority or responsibility.

ANSWER: See Answer to Interrogatory No. 2. In addition, with respect to supervisory responsibility regarding RIDOC's ICE then-accepted procedure to honor all ICE detainees, the Records and ID Units are responsible for ensuring that an inmate or detainee has no unresolved charges/detainers/warrants, etc. before being released. Depending on the actual shift, Captain Kathleen Lyons or Captain Fred Haibon would be in charge of the ID unit. Likewise, depending on the shift, Linda Baton or Eliza Bajakian would be in charge of the Records unit. I have no personal knowledge as to their involvement, if any, with respect to forming RIDOC SOP No. 2.08. Also, both the Records and ID units would report to either a Deputy Warden or the Warden at the Intake Service Center. Again, I have no personal knowledge as to any role a Deputy Warden or the Warden at the Intake Service Center had with respect to forming or approving RIDOC SOP No. 2.08.

SUPPLEMENTAL ANSWER: My Records and ID Units are unsure about who approved SOP No. 2.08. Captain Haibon, Linda Baton and Eliza Bajakian may have had some role in drafting, although none of them can recall anything specific. Additionally, it is not known who within RIDOC approved this SOP. Typically the Warden or a Deputy Warden would have approved a SOP. The Warden at the Intake Service Center at the time SOP 2.08 was approved was Bud Gardiner. The Deputy Wardens were Stephen Boyd and Bill Cudworth. None of these individuals are still currently employed by RIDOC. With that said, I do not dispute that SOP No. 208 was

followed by the Records and ID Unit from its inception and at the time of Ms. Morales' detention.

INTERROGATORY NO. 5

Please identify and describe any and all RIDOC Policies or Practices in effect as of May 4, 2009, pertaining to sharing information with ICE, including but not limited to communicating with ICE or allowing ICE access to inmates or to information pertaining to inmates.

ANSWER: I have no personal knowledge other than ICE would have had access to RIDOC INFACTS.

SUPPLEMENTAL ANSWER: There was no policy in effect as of May 4, 2009 pertaining to sharing information with ICE. The practice was to allow ICE access to RIDOC INFACTS. This access predates my appointment as Director of RIDOC. Nobody within the Records and ID Units knows when this access first began.

INTERROGATORY NO. 6

Please identify and describe any and all training provided to RIDOC officials as of May 4, 2009, pertaining to detainees, and the dates and contents of that training.

ANSWER: Although I am not directly involved with the training, I believe RIDOC officials would have general training pertaining to the intake of individuals. My understanding is that staff assigned to the Records and ID Units are provided on the job training when first placed in either unit. Staff is then provided additional on the job training as needed.

SUPPLEMENTAL ANSWER: RIDOC staff conducted a diligent search prior to responding to this interrogatory. Specifically, the Records and ID Units, as well as the Training Academy were asked to provide me information.

INTERROGATORY NO. 7

For the period of January 1, 2000, until the present, please state:

- a. The number of detainees received from ICE,
- b. Of the detainees described in (a) above, the number that were subsequently cancelled,
- c. Of the detainees described in (a) above, the number of people subsequently released into ICE custody, and
- d. Of the detainees described in (a) above, the number of people who claimed to be U.S. citizens or who otherwise claimed their detainees were erroneous or unlawful.

ANSWER: Objection, this Interrogatory is unduly burdensome, irrelevant and not likely to lead to the discovery of admissible evidence.

SUPPLEMENTAL ANSWER: Michael Eldridge, the database administrator at RIDOC, searched RIDOC's INFACTS database. His search consisted of running a query on the number of

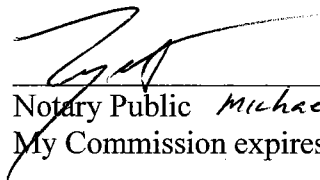
people that had an immigration detainer lodged and then a query regarding the number of people released to ICE. Each event would have caused an entry to be made in the INFACETS database. He also checked to see if the INFACETS database indicated whether a "Y" was lodged under the box U.S. citizen. Additionally, it was not possible to search the INFACETS database for information prior to August 11, 2003. Also, specific inmate or detainee files were not checked to ensure accuracy. To do so would be overly burdensome and not likely to lead to admissible evidence. It would consist of going through literally thousands of files specific to individuals not part of this lawsuit. With that said, RIDOC can answer as follows:

- a. We have identified 5215 incarcerations from August 11, 2003 to the present in which an ICE detainer had been lodged.
- b. I am not sure what is meant by the term "cancelled." We have interpreted "cancelled" to mean that the inmate was never transferred or released to ICE. From August 11, 2003 to the present, we have identified 1708 instances in which an ICE detainer was "cancelled."
- c. In the same time period as described above, there have been 3161 instances in which a person was transferred to ICE.
- d. It is not possible to check our INFACETS database to check to see if a person claimed a detention was unlawful. However, there were 462 instances in which INFACETS database had a "Y" in the box asking if that individual was a U.S. citizen.

A.T. Wall, II

A.T. Wall, II
Director of Rhode Island Department of Corrections

Subscribed and sworn to before me this ^{21st} day of November, 2014.


Notary Public Michael B. Grant
My Commission expires: 6/2/16

As to Objections:

/s/ Adam J. Sholes

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CERTIFICATE OF SERVICE

I hereby certify that this document was sent via e-mail to the all registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on November 21st, 2014.

/s/Adam J. Sholes_____