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Immigration and Customs Enforcement Agency Holds

607.1 PURPOSE AND SCOPE

This policy establishes protocols relating to immigration holds received from the Immigration and Customs Enforcement Agency, hereinafter referred to as "ICE", for individuals incarcerated in the Mono County Jail.

607.2 POLICY

It is the policy of the Mono County Sheriff's Department (the "Department") to ensure that individuals arrested and subsequently incarcerated in our jail facility for retainable offenses are only held in jail until such a time that the individual becomes eligible for release. The Department will not hold a person in custody beyond any applicable release date for the sole reason that ICE requested the Department to hold that person in custody.

607.3 PROCEDURE

Whenever the Department is presented with a Federal ICE detainer requesting that a hold be placed on an incarcerated individual the following steps shall be followed:

- A. The Department's Records Division and/or the on duty jailer shall make a copy of the immigration detainer and deliver it to the named subject.
- B. The Records Division will track the individual's custody status. If the subject becomes available for release pre-sentence, we shall release the subject as we would any other pre-sentenced individual. The Department will notify ICE that the detained subject is no longer in the

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Department's custody and provide ICE with copies of the release documentation and associated paperwork. The Department will also provide ICE with any information that is requested and may be lawfully disclosed, such as last known address, vehicle information, etc.

C. If the incarcerated individual is held on a lawful warrant from another jurisdiction, the Department shall hold the person per current State statute and release the individual to said jurisdiction along with the ICE detainer in the release documentation. The on duty jailer should advise the transporting agency that the subject has an ICE detainer. The Records Officer shall notify ICE that the subject is being held for another agency and that the ICE detainer was sent with the subject.

D. If the inmate is sentenced to serve time in the Mono County Jail, Records shall contact ICE and advise them of their last day for pick up for the detained subject. That day will be his/ her normal release date. Records will advise ICE that they may pick up the inmate any time during the five days prior to and including the inmates release date. If ICE does pick up the subject, the Department will consider any such time spent in the custody of ICE as credit in full for their local sentence as the inmate will be in the custody of another law enforcement agency. If the inmate is given any additional program or good behavior credits and is therefore entitled to an earlier release, ICE shall be notified, in advance, of the adjusted dates during which the inmate may be picked up by ICE.

E. Every effort should be made to facilitate transporting ICE detained persons convicted of a serious felony as stated in California Assembly Bill No. 4, Section 2, 7282.5 (a), summarized here as any violent crime against another person or any sexual crimes against another person and/or if the person is a registered sex offender per Penal Code section 290. This should include helping with transporting the detained individual to the nearest ICE Receiving facility. However, the subject shall still be released by their sentenced release date.

F. Any circumstances not covered by the above procedure shall be immediately referred to the Jail Lieutenant or a Jail Sergeant for a disposition.