PLACER COUNTY SHERIFF'S OFFICE
CORRECTIONS DIVISION
SUPPORT UNIT
PROCEDURE MANUAL

TITLE: IMMIGRATION HOLDS

POLICY:

Effective 01/01/14 State law mandates that law enforcement may have discretion to cooperate with federal immigration officials by detaining an individual on the basis of an immigration hold after that individual becomes eligible for release from custody only if the continued detention of the individual on the basis of the immigration hold would not violate any federal, state, or local law, or any local policy, and only under the circumstances as described in AB4, Section 7282.5 GC.

Effective 07/27/10 the Placer County Sheriff's Office was added to the Department of Homeland Security, Secure Communities Identification Program. This program provides the technology to help law enforcement agencies complete an integrated records check to determine both the criminal history and immigration status of individuals in our custody. This is accomplished by fingerprinting the inmate using the Live Scan Machine.

Effective 07/02/2014 after reviewing the recent case law, per County Counsel, we will no longer be accepting ICE Detainers unless they are in the form of an arrest warrant signed by a judge.

PROCEDURE:

Secured Communities:

When there is a match with the IDENT data, CJIS will receive the match response and generate an Immigration Alien Query (IAQ). It is not necessary for us to send this IAQ message on matches or no matches, unless the Live Scan device is not functioning or the inmate is being booked for a non-retainable offense and has an Immigration Warrant in NCIC.

Both our Agency and the Sacramento ICE Office receive a response based upon our fingerprint submissions. There is a delay in when our Agent receives these responses. Therefore, every morning at 4:00 AM a report of all Foreign Born Arrestees will be printed and faxed to the Sacramento ICE Office. This report includes all Arrestees that are currently in custody or that we released during the 24 hour period. See below instructions on how to run the report.

Until further notice, all “rejected” live scan response received from Department of Homeland Security, will be filed in the basket along with the other live scan responses.
A copy of the “Match” response will be filed in the Inmate’s booking file. All other responses will be placed in the Live Scan basket. We will keep these in the basket for one month.

**Obtaining a Hold due to a NCIC hit:**

You will need to call the phone number listed on the hit, to verify that this is the subject wanted by ICE. **Do not send a teletype** until you have confirmed this information.

**Federal Arrest Warrant from ICE:**

Once the front office has received a Federal Arrest Warrant from ICE, make sure to obtain file and give these items to duty sergeant for review. The sergeant will determine whether or not the inmate will be held on the warrant.

**FOREIGN BORN REPORT:**

Access WebQuery from the Tiburon Menu by double clicking on this icon
Double click on Crystal Reports and then Double click on the Crystal Reports Catalog icon. Double click on the Foreign Born List for ICE icon.

Enter Start Date – Yesterday’s Date
Enter End Date – Today’s Date
Click on Run Report
Click Yes for the Confirmation Needed – Print

Print the Report by clicking on the Printer icon

Fax the Report to our ICE Agent’s attention to (916) 491-2865.
OUR TELETYPSE EXAMPLES:

IAQ Message Format:

CLETSG Code = CMSG

<table>
<thead>
<tr>
<th>Message Display</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMSG - FREE FORM CLETSG SCREEN (CARRIAGE RETURN AFTER EACH LINE)</td>
</tr>
<tr>
<td>MESSAGE: N 001 LTS</td>
</tr>
<tr>
<td>IAQ.CAQ/310001.AX.TTX</td>
</tr>
<tr>
<td>PBR/C.ATN/YOUR NAME.PHN/5307/555500.NBR/SUBJECT'S NAME.DOB/5MDDY.DATE/7.POH</td>
</tr>
<tr>
<td>B/33.CUS/Y.OFF/XXXXX.BEM/JID#.REM/PLEASE CONTACT OUR AGENCY IF YOU WISH TO</td>
</tr>
<tr>
<td>PLACE A HOLD</td>
</tr>
</tbody>
</table>

| PUR = ALWAYS C |
| ATH = SENDERS NAME |
| PHN = OUR PHONE NUMBER WITH AREA CODE AND NO SPACED |
| DOB = MONTH, DAY AND THE LAST TWO NUMBERS OF THE YEAR |
| SEX = M FOR MALE AND F FOR FEMALE |
| POS = THE NCIC PLACE OF BIRTH CODE |
| CUS = CUSTODY STATUS - ALWAYS Y |
| OFF = NCIC OFFENSE CODE FOR THE HIGHEST CHARGE |
| BEM = BOOKING NUMBER - THIS IS MANDATORY IF IN CUSTODY. |
| REM = REMARKS |
Administrative Message – If you are experiencing difficulties with the IAQ format, ICE is currently accepting this format:

**CLETs Code = NADM**

![Image of a sample NADM message format]

**Message Type**: [ ] (G = emergency, I = normal)

**Check if signature is to be included**:
- [ ] [ ]

**Import CAD**
- [ ] Enter deputy name and case #
- [ ]

**Records**
- [ ] Enter name and case #
- [ ]

**Auburn PD**
- [ ]

**Bassville PD**
- [ ]

**Destination**:
- [ ]

**Message**:
- [ ]

**Message**:
- [ ]

**Please be advised we have the above subject in custody, we need to place a hold**.

**Thank You**

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THEIR TELETYPE ACKNOWLEDGMENT EXAMPLE:

1LTS.AUJ0.AM.AX0000000
12:19 08/22/2006 43356
12:19 08/22/2006 21347 CA0310001
*AUJ0JA020B
TXT
YOUR INQUIRY HAS BEEN RECEIVED BY
THE ICE LAW ENFORCEMENT SUPPORT CENTER.

EDT 1519.
TEXT OF INQUIRY WAS:
PUR/C.ATN/SENDERS NAME.PHN/OUR PHONE NUMBER.
NAM/SUBJECTS,NAME.DOB/MMDDYY.SEX/?.POB/??.CUS/Y.OFF/####.BKN/JID
# ID.REM/PLEASE CONTACT OUR AGENCY IF YOU WISH TO PLACE A HOLD

END.
THEIR TELETYPE RESPONSE EXAMPLE:

4AU0.1*
IAR.VTINS0757
HH:MM MM/DD/YYYY 09146
HH:MM MM/DD/YYYY 30898 CA0310001
*0495967754
TXT
*** LAW ENFORCEMENT SENSITIVE ***

IAQ RECEIVED: MM/DD/YY HH:MM:SS A/PM

ORI/CA0310001 ATN/ ALC'S NAME PHN/6307458500
NAM/INMATES.NAME
DOB/INMATES DATE OF BIRTH CUS/Y OFF/0399 FUR/C POB/XX SEX/M OR F
FB/FBI NUMBER ARN/ SOC/ SID/CH NUMBER

****QUERY MESSAGE TEXT ENDS -- I.E.S.C. RESPONSE BEGINS ****
THIS IS NOT A GOVERNMENT DETAINER! THIS INFORMATION IS FOR LAW ENFORCEMENT USE AND IS BEING PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THIS RESPONSE IS NOT SUPPORTED BY FINGERPRINTS.

********************************************************************************
POSSIBLE I.C.E. WARRANT OUTSTANDING
********************************************************************************

****BASED ON THE INFORMATION PROVIDED *****
THE FOLLOWING I.C.E. RECORD APPEARS TO RELATE:

NAM/INMATES NAME
AKA/INMATE'S KNOWN ALIAS'
DOB/INMATE'S DATE OF BIRTH
POB/INMATE'S PLACE OF BIRTH
ARN/ 074014790
FCNYC
DOE/YYYYMMDD
LKA/LAST KNOWN ADDRESS
CITY STATE

I.C.E. RECORDS INDICATE THAT SUBJECT .... This area will tell us if the inmate is Wanted, a US Citizen or if they have been previously deported and re-entry may be illegal.

********************************************************************************
IMPORTANT NOTICE
********************************************************************************
IT APPEARS THAT THIS PERSON HAS CONVICTIONS WHICH COULD BE CLASSIFIED AS AGGRAVATED FELONIES. AS SUCH, THIS PERSON MAY BE AMENABLE TO ARREST FOR IMMIGRATION VIOLATIONS.

********************************************************************************
REQUESTING ORI INFORMATION:
AGENCY/
PHONE/

LESC QUERY ID: 01575538 *** LIMITED OFFICIAL USE ***
END OF RESPONSE....
DROPPING I.C.E. HOLDS:

Immigration can send our agency an authorization to drop their hold either by fax or teletype. These requests are to be processed immediately.

- Pull the booking file
- Display the Charge in the computer
  - Corrections Main
  - Charges Tab
  - Select the ICE Hold charge record
  - Disp Type – HDRP
  - Disp Officer – Your S Number
  - Save
- Place the authorization to drop hold in the booking file
- If this is the only charge holding this inmate, give the file to the Sergeant so that they can release the inmate.
  - If the inmate has other charges pending, return the file to the location where you found it.

SENDING READY FOR PICKUP TO I.C.E.:

Do not send a ready for pickup to ICE if subject also has a warrant for other counties. The other counties will be sent a ready for pickup first. If the subject is not picked up by the other agencies, a ready for pickup will be sent to ICE and their time limit begins.

Federal law (CFR 287.7(d)) mandates that law enforcement agencies may detain aliens with I.C.E. holds and no other charges pending for a maximum of 48 hours to allow I.C.E. to pick up the alien. If I.C.E. fails to pick up the alien within 48 hours, s/he must be released from custody.

The 48-hour time limit excludes Saturdays, Sundays and holidays. The 48-hour time limit starts when the Placer County inmate has an I.C.E. hold and any of the below occur:

- The inmate is sentenced and completes his/her sentence and there are no other criminal charges pending from either local or out of county agencies.
- The inmate is released per court order.
- The inmate posts bail.
- The inmate is released per Federal Court Order due to jail overcrowding.
- The inmate is released per 849 P.C., by the arresting agency.
Faxed Notifications:

There is a folder in the front office at the fax machine for the I.C.E. office in Sacramento. Fill out the information on the fax cover sheet and fax them when an inmate is ready for pick up. Please include a copy of their detainer.

Make sure you attached the fax transmittal confirmation sheets to the fax cover sheets and place in the inmate’s booking file on the left side.

Write “Done” and your initials on the post-it on front of the file and return to the sergeant.

The fax number is on the pre-filled fax cover sheets. The information below is in case we run out of these:

Sacramento Office Fax (916) 930-3799
Transportation Division Supervisor Phone (916) 930-3852

Include the inmate’s name, DOB, CII number, their file number, last day and time for pickup.

BOOKING ON IMMIGRATION HOLDS:

The Duty Sergeant will determine whether or not the inmate will be held on the Immigration Hold based upon the criteria under GC 7282.5. The Duty Sergeant will advise whether or not the inmate will be booked on the charge or booked on the charge and release the charge per AB4.

Refer to example of charge record below for add-booking an inmate on an Immigration Detainer/Hold.
Example of Charge Record for I.C.E. Holds:

<table>
<thead>
<tr>
<th>Name</th>
<th>Charge No.</th>
<th>Assumed/</th>
<th>Charge</th>
<th>Charge Legal</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECORD TEST</td>
<td>91328 03</td>
<td>FOLC</td>
<td>0 0 0</td>
<td>0 0 0</td>
</tr>
<tr>
<td>Local County, Charge Status</td>
<td>Type</td>
<td>Value</td>
<td>Notify</td>
<td>Def. Agy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Court Case No.</td>
<td>Docket No.</td>
<td>Warrant Agy</td>
<td>Issue Date</td>
<td>Arrest Date/Time</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bail Information</td>
<td>Court Information</td>
<td>Court Date/Time</td>
<td>Case Date/Time</td>
<td>Case Date/Time</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee</td>
<td>Information</td>
<td>Fee Date</td>
<td>Fee Paid</td>
<td>Fee Paid</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sentence Information</td>
<td>Sentence Date</td>
<td>Sentence Date</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start Date</td>
<td>End Date</td>
<td>Days</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Credit Time</td>
<td>No Good Time</td>
<td>No Work Time</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Days Served</td>
<td>Days Earned</td>
<td>Days Remaining</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Example of Charge Record for Release Disposition AB4

Property or Money for Inmates who will be picked up by ICE:

If an inmate is here on an ICE Hold only, family or friends may drop off money or property at the Sacramento ICE Office for the inmate. The address is: 650 Capitol Mall Room I-120, Sacramento, CA 95814.
Dates Updated:
01/13/2006 – Originally Written
09/21/2006 – Added the IAQ Message Format
02/06/2007 – Added notation regard ICE Phone Numbers on Jail Phone List
06/07/2007 – Added faxing copy of ICE detainer with Ready for Pickup notification
07/16/2007 – Changed contact phone numbers for ICE
06/05/2008 – Changed the Fax Number on NADM Teletype Example that can be used when the IAQ format does not work.
06/05/2008 – Added section “Property or Money for Inmates who will be picked up by ICE.”
08/12/2008 – Changed section “Sending Ready for Pickups to ICE” added information in regards to out of county warrants.
08/12/2008 – Removed section “Notification Responsibility”.
09/15/2008 – Added section “Booking on Immigration holds” to procedure.
10/17/2008 – Added ICE business hour information to section “Sending Ready for Pickups to ICE”. This information was added per instruction from ICE Agent Alex Sabel.
12/08/2008 – Added section “ICE Fails to Pickup Subject and They Still Want Subject”.
01/13/2009 – Removed ICE business hour information from section “Sending Ready for Pickups to ICE”. Per Capt. Malim we will follow letter of the law.
01/13/2009 – Removed section “ICE Fails to Pickup Subject and They Still Want Subject.” Per Capt. Malim we will not obtain another detainer and re-arrest.
10/27/2009 – Changed screen shot to match the changes made to Tiburon in “Procedure” section “Booking on Immigration Holds” subsection “Example of Charge Record for I.C.E. Holds” subsection.
03/15/2010 – Updated ICE Contact Information in “Procedure” section “Obtaining a Hold and Verifying Citizenship” subsection.
11/14/2010 - Updated teletype examples to the new NADM Masks in “Procedure” section “Our Teletype Examples” subsection.
11/14/2010 – Added subsection “Secured Communities” to “Procedure” section
11/14/2010 – Added verbiage regarding “Secured Communities” to “Policy” section.
11/14/2010 – Changed to order of the ICE contact information in “Procedure” section “Obtaining a Hold and Verifying Citizenship” subsection.
11/14/2010 – Changed title of section “Obtaining a Hold and Verifying Citizenship subsection to “Obtaining a Hold and Verifying Citizenship When Live Scan is not Functioning or Inmate is In Custody on Non-Retainable Offense” in “Procedure” section.
01/11/2012 – Changed verbiage regarding faxing the “Match” response to faxing the Foreign Born report daily to the Sacramento ICE office “Procedure” section “Secured Communities” subsection.
01/11/2012 – Added section “Foreign Born Report” to “Procedure” section.
Dates Updated (Cont’d):
03/07/2012 – Added subsection “Processing ICE Detainer Paperwork” to “Procedure” section.
12/02/2013 – Added additional instructions of “Procedure” section “Processing ICE Detainer Paperwork”.
12/02/2013 – Added second page of Immigration Detainer – Notice of Action
01/01/2014- Entire procedure updated to comply with AB4.
07/08/2014 – Added verbiage we no longer will be accepting ICE detainers unless they are in the form of an arrest warrant signed by judge.
07/08/2014 – Removed sample of ICE Detainer procedure to fill out paperwork and sample of detainer under “Processing ICE Detainer Paperwork”. Also changed title to “Federal Arrest Warrant from ICE”.