



From the Office of
Chief of Police
Paul J. Capraro

July 9, 2014

To: All Personnel

From: Paul J. Capraro, Chief of Police

Subject: Interim Directive #14-03 ICE Immigration Detainer

The Executive Command Staff has reviewed current laws including the California Trust Act, as well as recent court decisions raising constitutional concerns regarding the enforcement of the *Immigration Detainer – Notice of Action* issued by the Department of Homeland Security. Both the federal government and the California Attorney General have taken a position that the detainer is not a mandate but rather a mere request. Furthermore, honoring such detainer may cause liability issues.

Effective immediately the Pomona Police Department shall cease honoring all *Immigration Detainer – Notice of Action's* from the Immigration and Custom Enforcement Agency, Department of Homeland Security (ICE), unless ONE of the following conditions is met:

- Judicial Determination of Probable Cause (PCD) for detainer in hand
- A warrant from a Judicial Officer

Unless one of the two above conditions is met, the Pomona Police Department shall not honor any *Immigration Detainer – Notice of Action* and shall not extend custody of an individual beyond the original booking and detention periods of the original charge and posting of bail.

In the event an employee believes he or she has an arrestee with a Detainer that meets one of the stated conditions, the employee shall immediately notify the Watch Commander for review and approval to detain. The Detainer Approval Form must be completed as part of the review. This interim directive will remain in effect until it is incorporated in a Lexipol policy update.

Pomona Police Department
IMMIGRATION DETAINER – NOTICE OF ACTION
Approval / Disapproval Form

I. Please fill out the below information in the event an employee believes he or she has an arrestee with a Detainer that meets one of the below conditions, the employee shall immediately notify the Watch Commander for review and approval to detain.

_____ Judicial Determination of Probable Cause (PCD) for detainer in hand or;
_____ A warrant from a Judicial Officer

Date: _____
Arrestee's Name: _____
Booking #: _____
DR#: _____

Lieutenant Date

II. After review of the detainer, it was determined that the above conditions were not met.

_____ NOT APPROVED

Jailer/Officer Reporting ID No. Date