



Scott R. Jones

Sheriff

COUNTY OF SACRAMENTO

Inter-Department Correspondence

Date: May 15, 2014

To: ALL PERSONNEL
Correctional Services

From: CHIEF DEPUTY MILO FITCH
Correctional Services

Subject: TRUST ACT AND IMMIGRATION HOLDS

In light of a recent court decision, *Miranda-Olivares v. Clackamas County*, issued April 11, 2014, the Sacramento Sheriff's Department will temporarily discontinue honoring immigration detainers (Form I-247) issued by ICE. This policy shall remain in effect until further legal research is completed.

If an inmate is otherwise eligible for release they SHALL be released without delay. Staff shall make no effort to unduly hold any inmate thereby extending their release in an effort to coordinate with ICE.



Scott R. Jones

Sheriff

COUNTY OF SACRAMENTO

Inter-Department Correspondence

Date: May 20, 2014

To: MAIN JAIL BOOKING PERSONNEL
Main Jail Division

From: CAPTAIN TOM ANDRIS, COMMANDER
Main Jail Division

Subject: TRUST ACT AND IMMIGRATION DETAINERS

On May 16, 2014 an IDC was distributed by Chief Fitch to all personnel in Corrections. The IDC noted that we will temporarily discontinue to honor immigration detainers (Form I-247) issued by ICE due to recent court decision in *Miranda-Olivares v. Clackamas County*. In which, the courts examined the Clackamas County's undisputed practice of detaining a person entirely on an ICE detainer even after that person is entitled to release from custody by posting bail or otherwise resolving the criminal charges.

This IDC is provided to give some direction for staff during this transition and temporary departure from previously posted process guidelines. As of May 20, 2014 please follow the below process.

ICE will no longer be contacted as a notification of a foreign born arrestee being booked or of the inmate's pending release.

1. We will no longer advise ICE of such bookings. It is the responsibility of ICE agents to identify inmates' and determine whether to place a detainer on the inmate. If ICE submits a detainer (Form I-247) it will be accepted and released or canceled after entry. If the detainer remains in abeyance the prisoner shows as No Bail on the public website and would lead to similar issues as seen in the Clackamas County court case.

When a foreign-born inmate is booked, the intake window officer will no longer need to run and print the criminal history ("rap sheet") for the inmate as we will no longer need to determine convictions specified in the Trust Act nor note the findings on the PF4 Screen.

MJ will no longer contact or provide ICE up to 48 hours for ICE agents to pick up an inmate with I-247 detainer held in abeyance. If local charges are adjudicated or the prisoner is otherwise made eligible for release the inmate will be processed, without delay, for release and the hold will be canceled.

If ICE is present and requests to take custody of an inmate with an I-247 detainer in abeyance, that is otherwise eligible for release, the inmate will be processed and released from custody in JIMS without delay. ICE can take custody of the released inmate within the Central Control lobby and transported by ICE agents.

This memorandum is temporary and there will be future changes in how we process ICE detainers once the legal review process is completed.

Please advise your supervisor if you identify any issues or have any questions.

TA: pm