

TITLE: IMMIGRATION STATUS

SECTION: 1513.00

VERSION: 03.03.14, 06.29.14

REFERENCE: AB 4 (Trust Act), Government Code 7282, 7282.5, 8 CFR 287.7,
*Maria Miranda-Olivares v. Clackamas County (US District Court,
District of Oregon, Case. No. 3:12-cv-02317-ST)*

1513.01 **POLICY:**

California state law restricts when local law enforcement agencies may detain a person on the basis of an immigration hold (also known as an “immigration detainer”. No person shall be held solely on the basis of their immigration status. The immigration status of a person, and the lack of immigration documentation, should have no bearing on the manner in which Sheriff’s Office personnel execute their duties.

1513.02 **DEFINITIONS:**

Immigration and Customs Enforcement (ICE): The U.S. Department of Homeland Security’s Immigration and Customs Enforcement Agency (ICE) has primary responsibility to investigate and enforce federal immigration laws. Sheriff’s Office personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE-initiated investigations have led to the discovery of criminal violations of California law.

Immigration Detainer: An *Immigration Detainer*, Form I-247, issued by an authorized immigration officer, pursuant to Section 287.7 of Title 8 of the Code of Federal Regulations, that requests the Sheriff’s Office to advise the authorized immigration officer prior to the release of that individual.

1513.03 **GENERAL INFORMATION:**

- A. An *Immigration Detainer*, Form I-247 requests the Sheriff’s Office to notify ICE, prior to releasing the individual, in order for ICE to make arrangements to assume custody. These detainer requests will be honored only within the guidelines established in this policy.
- B. The existence of an *Immigration Detainer* does not affect a person’s ability to post bail or bond or to be released on their own recognizance.
- C. Detainers and warrants are entirely separate and should not be confused. Duly issued warrants will be honored in all cases.

1513.04 **PROCEDURES:**

A. **Immigration Detainers Received from ICE**

1. When an *Immigration Detainer* is received from ICE, the receiving Correctional Technician will enter the request in as ICE_AC. A copy of the *Immigration Detainer* will be placed in the inmate's booking jacket.
2. The existence of *Immigration Detainer* does not affect the inmate's ability to post bail or be released. If the inmate becomes release eligible (posts bail, court ordered release, time served, etc.) **the Sheriff's Office will not detain the inmate on the basis of an *Immigration Detainer* past his or her scheduled release date.**

B. **Notification to ICE of Release Dates**

1. A Correctional Technician in Booking will fax a *Foreign Born Inmates* report to ICE every day. This form notes the release date of all inmates with an *Immigration Detainer* and satisfies the release notification to ICE.
2. When an inmate with an *Immigration Detainer* is eligible for immediate release, the Correctional Technician will send a facsimile of the updated booking to ICE notifying them of the impending release. The Correctional Technician will make a notation in JCMS in the finalize screen indicating the facsimile was sent.