

# **Illegal Immigrants**

## **POLICY**

The Custer County Sheriff's Office Detention Division will fully cooperate with all Immigration and Customs Enforcement (**ICE**) requests for alien notification and with any applicable state or federal laws.

## **DEFINITIONS**

**CAP** – Criminal Alien Program - A program with Immigration and Customs Enforcement which focuses on identifying criminal aliens who are incarcerated within federal, state, and local facilities thereby ensuring that they are not released into the community. The goal of CAP is to secure a final order of removal for these criminal aliens prior to the termination of their sentence.

**DRO** – Office of Detention and Removal – The DRO is an office within Immigration and Customs Enforcement. DRO is responsible for the in custody or detained criminal aliens only.

**OI** – Office of Investigations – The OI is an office within Immigration and Custom Enforcement. OI is responsible for illegal aliens who are not currently in custody of a detention center.

**LESC**- the Law Enforcement Support Center is a national enforcement operations facility administered by U.S. Immigration and Customs Enforcement (ICE), the largest investigative agency in the Office of Homeland Security (DHS). The center is a single national point of contact that provides timely immigration status, identity information, and real-time assistance to local, state, and federal law enforcement agencies on aliens suspected, arrested, or convicted of criminal activity.

**Denver Field Office** Area of Responsibility: Colorado, Wyoming - 12445 E. Caley Avenue,  
Centennial, CO 80111 **Phone:** (720) 873-2899

## **PROCEDURES / INQUIRIES**

When Detention staff determines during the booking process that we have a possible illegal alien, the booking officer will ask dispatch to send an electronic IAQ (over CCIC) to the Law Enforcement Support Center (LESC); via NLETS. The LESL will normally respond to the query within one hour, and send an electronic response stating either.

1. the person is subject to deportation/removal and ICE will take further action, or
2. No record could be found on the subject and the requestor should contact their local ICE office.

The Office of Detention and Removal (**DRO**) duty desk should be contacted by the Sheriff's Office if:

3. The staff have failed to receive a timely IAQ response from the LESL, or
4. Has been instructed by LESL to contact their local ICE office, or

5. Release of the subject is imminent and they are possibly a fugitive alien, or a previously deported alien, or a criminal alien (including suspect aliens pending serious criminal charges).
6. Due to ICE staffing and telephone limitations, phone calls to the duty desk should be limited to **urgent inquiries requiring immediate action**. For non-emergent inquiries, requestors are encouraged to submit their inquiries to the duty desk via fax or e-mail, using the "Detained Alien Status Inquiry Form" which is attached.
7. All inquiries will be handled either on a priority basis (based on urgency) or first-come, first-served basis. The duty desk will ideally respond to the requestor within one hour of receipt of the inquiry.
8. However, during periods with high volumes of inquiries, or other, more pressing operational issues, responses may be delayed beyond one hour.
9. The duty desk **will not** respond to calls pertaining to the following:
  - Calls related to smuggling loads
  - Road-side calls or arrest-site calls unrelated to fugitive or prior deported aliens
  - Calls pertaining to persons who are **not** in the custody of a jail (except suspected fugitive or prior deported aliens)
10. If a Custer County Deputy has detained or arrested a suspected alien in the field pursuant to a road-side stop or criminal arrest, and NCIC/CCIC records checks by dispatch do not indicate that the suspect is a prior deported or fugitive alien, any requests for ICE action should be directed to the Denver Duty Special Agent, who may be contacted by calling the LESC or National Law Enforcement Communication Center.
11. During normal business hours, from 0700 to 1700 hours (except on weekends and holidays) any LEA inquiries from areas serviced by DRO sub-offices should be directed to the local DRO sub-offices, in the following locations: Brush, Pueblo, Alamosa, Durango, Craig, Glenwood Springs, Grand Junction, Cheyenne and Casper WY.

Whenever there is probable cause to believe a detainee is an illegal alien, and is held in the Custer County Sheriff's Office custody on charges, ICE will be notified as soon as possible. However, if ICE is unable to be present on the date/time of release, the inmate will not be detained for any period of time while awaiting their (ICE) arrival unless we receive a Federal criminal arrest warrant from a Federal Magistrate.

State and local law enforcement officers lack independent authority to detain an alleged illegal alien. The existence of a detainer (I247) and/or an Administrative Warrant (I200) should not be allowed to interfere with the bonding process for a foreign national subject. Federal criminal arrest warrants, reviewed and signed by a Federal Magistrate, are different than the I247 Detainers and the I200 Administrative Warrants. They are issued pursuant to judicial review and order the arrest of an individual who may be in custody. Those criminal arrest warrants must be honored and the defendant should be turned over to ICE once state and local charges have been resolved.