

# Delta County Sheriff's Office

## Immigration Status/Detainers

### Policy

#### **Purpose**

The purpose of this policy is to provide written guidance and procedures for immigration issues within detention and law enforcement operations.

#### **Definitions**

“Secured Communities” A database controlled by the Department of Justice or entities of federal government specifically charged with the enforcement of immigration law.

ICE – Immigration and Customs Enforcement

#### **Policy**

It is the policy of the Delta County Sheriff's Office not to discern the nationality of anyone with regards to criminal conduct and their housing at the Delta County Jail. We will anticipate notification from the Department of Justice or an entity associated such as Homeland Security before determining the need to identify persons as foreign national citizens of another nation-state.

In performance of our duties to house in the Delta County Jail or investigate a criminal act, the only notification to ICE needed is that which furthers our own investigation and mission. Mandatory notification of Immigration and Customs Enforcement (ICE) is no longer supported by Colorado State Statute. Notification will still be authorized to further any investigative initiative of the Sheriff's Office.

If in the furtherance of an investigation the Delta County Sheriff's Office initiates assistance from ICE, the Delta County Sheriff's office is not prohibited from using shared information to further an investigation.

Upon receiving an official detainer by fax, CJIS or other official means, a citizen of other national foreign citizenship other than the United States the person receiving the information will make official notation. ICE can be notified as to official date of release information and an official notation will be present indicating such action.

Any person of foreign nation citizenship who is being held at the Delta County Jail pursuant to local charges upon the proper release from the custody of the sheriff by court order are not to be detained for detainers but only official arrest warrants signed by a person in judicial review.

Immigration Detainers and administrative warrants without judicial review are not enough to prevent a person from being released. Effort will be made to notify federal authorities of pending official release and usually at least five working days in advance where possible but releasing the person shall not be impeded except that normal release procedures indicate a safe and orderly release.

Careful discernment must be made to establish that official arrest warrants are not available and communication shall be relayed to the Captain as to all releases carried out that also had official communication from ICE and/or Homeland Security.

Bond/Bail: A person who makes bond or bail shall not be prevented from release upon review of accuracy as to the bond or bail. Only official warrants/detainers by a court as indicated by judicial review can prevent the release of certain person (s). As of May 2014, ICE detainers and administrative warrants and/or orders are not enough to prevent the proper bail and bond of person(s).

**Patrol/Detention Reporting**

The need to challenge an individual's national origin is no longer mandated either in enforcement or in detention with the repeal of what is commonly referred to as "Senate Bill 90, SB 90 or Mandatory ICE Notification.

Delta County Sheriff Fred McKee

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