MONTEZUMA COUNTY SHERIFF'S OFFICE ADULT DETENTION CENTER FACILITY PROCEDURES	Chapter : Section:	OPR:
	SUBJECT Immigration Holds	REVIEW DATE:
	EFFECTIVE DATE:	SUPERSEDES:

Purpose

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

Definitions

- ICE - Immigration and Customs Enforcement / Local Office : 970-247-3596 (Durango) and 720-873-2829 (Denver)

Policy

It is the policy of the Montezuma County Sheriff's Office Detention Center (MCSODC) not to discern the nationality of anyone with regards to criminal conduct and their housing at the MCSODC. 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 (MCSODC) 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.

The goal of this policy is to place the responsibility of warrant (s) on the federal government for the purposes of immigration enforcement.

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

Upon receiving official confirmation of a constitutional warrant, 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 MCSODC pursuant to community

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.

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 of all persons in custody to be determined by the Detention Commander as standards and operating procedures are outlined.

Careful discernment must be made to establish that official arrest warrants are not available and communication shall be relayed to the Supervisor on duty 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 30, 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".

Stops, detention and arrests of any person will not involve questioning about the individuals o*ther* foreign national citizenship not of the United States.

Some detentions of foreign nationals must be made known to a consulate to satisfy the requirement of Consular Notification; a separate policy is in place for such notifications.