

# YOLO COUNTY SHERIFF'S OFFICE

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## Yolo County Sheriff's Office Detention Division Policy Manual

**TITLE:** Immigration Holds – ICE Requests

**Policy:** Individuals arrested and subsequently incarcerated in the Yolo County Sheriff's Office jail facilities for retainable offenses are only held in jail until such time that the individual becomes eligible for release. Effective July 28, 2014, the Sheriff's Office will refrain from honoring detention requests from ICE ("ICE Holds") under Section 287.7 Title 8 of the Code of Federal Regulations unless the request is accompanied by a valid and enforceable warrant signed by a judicial officer. The Sheriff's Office will not hold a person in custody beyond any applicable release date for the sole reason that ICE requested the Sheriff's Office to hold that person in custody.

**Reference:** California Government Code Sections 7782 and 7282.5 (AB 4 – Trust Act) and Section 287.7 of Title 8 of the Code of Federal Regulations.

**Procedure:** When the Sheriff's Office is presented with a Federal ICE detainer requesting that a hold be placed on an incarcerated individual the following steps shall be followed:

**Step 1** The Sheriff's Office Records Section and /or the Correctional Lieutenant(s) shall make a copy of the immigration detainer and deliver it to the named subject.

**Step 2** The Records Section will track the individual's custody status. If the subject becomes available for release pre-sentence, the Sheriff's Office shall release the subject as it would any other pre-sentenced individual. The Sheriff's Office will notify ICE that the detained subject is no longer in the Sheriff's Office custody and provide ICE with copies of the release documentation and associated paperwork. The Sheriff's Office will also provide ICE with any information that is requested and may be lawfully disclosed.

**Step 3** If the incarcerated individual is held on a lawful warrant from another jurisdiction, the Sheriff's Office shall hold the person per current State statute and release the individual to said jurisdiction along with the ICE detainer in the release documentation. The on duty Correction Lieutenant, Correctional Sergeant or Officer in Charge should advise the transporting agency that the subject has

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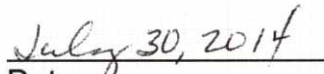
an ICE detainer. The Records Division shall notify ICE that the subject is being held for another agency and that the ICE detainer was sent with the subject.

Step 4 If the inmate is sentenced to serve time in the Yolo County Jail, Records shall contact ICE and advise them of their last day for pick up for the detained subject. That day will be his/her normal release date. The Records Section will advise ICE that they may pick up the inmate on their release date. If the inmate is given any additional program or good behavior credits and is therefore entitled to an earlier release, ICE shall be notified, in advance, of the adjusted dates during which the inmate may be picked up by ICE.

Step 5 An effort should be made to facilitate transporting ICE detained persons convicted of a serious felony as stated in California Assembly Bill No. 4, Section 2, 7282.5 (a), summarized here as any violent crime against another person or any sexual crimes against another person and/or if the person is a registered sex offender per California Penal Code section 290. This should include helping with transporting the detained individual to the nearest ICE Receiving facility. However, the subject shall still be released by their sentenced release date.

Step 6 Any circumstances not covered by the above procedure shall be immediately referred to the Jail Commander or a Correctional Lieutenant for disposition.

  
Detention Commander

  
Date