

6.13	<b>Policy IMMIGRATION DETAINERS and WARRANTS</b>	<b>Approved Date: July 29, 2014</b>	<b>Review Date</b>
	<i>/signed original in file/</i> <hr/> <b>Signature, Jail Administrator</b>	<b>Effective Date: July 29, 2014</b>	<b>Replaces version approved July 25, 2014</b>

### **6.13 POLICY: IMMIGRATION DETAINERS and WARRANTS**

Purpose: BCMDC receives requests from the Department of Homeland Security, Immigration and Customs Enforcement (“ICE”) to hold aliens not otherwise detained by criminal justice agencies for periods not to exceed 48 hours, excluding Saturdays, Sundays, and holidays to permit assumption of custody by the U.S. Government, pursuant to 8 CFR § 287.7. (DHS form I-247). In addition, BCMDC also receives administrative warrants (“Warrant for Arrest of Alien” form I-200) purporting to require BCMDC to detain the inmate for a violation of immigration law or regulation. The purpose of this policy to establish guidelines and procedures pertaining to BCMDC’s receipt of immigration detainer requests and administrative warrants.

#### Policy:

It is the policy of the BCMDC that the facility will not detain any inmate and will not delay the otherwise authorized release of any inmate, as a result of detainer requests or administrative warrants received by ICE. It is the policy of the BCMDC to cooperate and share information related to immigration detainers with ICE, criminal justice agencies and judicial agencies, in accordance with the following guidelines and procedures.

#### Guidelines:

- A. Any inmate who has bondable charges upon admission shall be allowed to post bond to secure his or her release. An immigration detainer request or an administrative warrant shall not inhibit an inmate’s ability to post bond.
- B. No inmate release shall be delayed, in any way, because of an immigration detainer. Any past practice of a “hold” or other delay in release for immigration detainer requests shall be discontinued.
- C. All warrants must be signed by a judge or magistrate. No inmate shall be booked on an administrative warrant signed by an ICE official. No inmate release shall be delayed, in any way, because of an immigration administrative warrant.
- D. The immigration detainer request and the administrative warrant form are public records. Copies of the forms shall be provided only pursuant to Inspection of Public Records Act procedures or other legal process. BCMDC staff may confirm by telephone, upon request from any party, whether or not a detainer request or administrative warrant has been received for an inmate. No other details from the detainer request may be given by telephone.

#### Procedures upon receipt of a detainer request or administrative warrant:

1. Records staff will receive immigration detainer requests and administrative warrants from ICE and place a copy of the form in the inmate file.
2. Records staff shall update the EJS system to indicate an agency hold for immigration.
  - a. No hold will actually exist, but this procedure will continue for the purposes of data collection and data sharing.
  - b. Records staff will use the agency hold code 996 "Immgr Detainer Request" for both the detainer requests and the administrative warrants.
3. Records staff will cancel the immigration agency hold in the EJS system, when the inmate is entitled to release.
4. When an inmate who is the subject of an ICE detainer request or administrative warrant has been released, records staff shall notify ICE, via email. Such notification will occur after the release has been processed by all required staff in accordance with releasing procedures and the releasing packet has been returned to records staff by the releasing officer.
5. Releases will not be delayed, in any way, as a result of immigration detainer requests or administrative warrants.