

BUTTE COUNTY SHERIFF'S OFFICE

SUPERVISORY ORDER

TO: ALL CORRECTIONS DIVISION PERSONNEL
FROM: LIEUTENANT BRYAN FLICKER
SUBJECT: ICE HOLDS
DATE: JUNE 24, 2014

REFERENCE: ARIZONA, v. UNITED STATES. (132 S.Ct. 2492), INS v. Lopez-Mendoza, 468 U.S. 1032, 1038, 104 S.Ct. 3479, 82 L.Ed.2d 778 (1984), Miranda-Olivares v. Clackamas County, 2014 WL 1414305 (D. Ore. April 11, 2014), AB4 (Trust Act), Government code 7282, 7282.5, 8CFR287.7, Classification Officer Post Order, Post 10 Post Order.

PURPOSE: To provide direction to Corrections Division staff regarding our policy on Immigration and Customs Enforcement (ICE) hold I-247, also known as "ICE detainees," and the application of the Trust Act (AB4).

BACKGROUND: Since January 1, 2014, there have been a number of changes regarding how we handle immigration detainees from ICE. Due to recent legal developments, further adjustments are being made.

ACTION: Effective immediately and until these modifications are completed;

- (a) All inmates currently being held solely based on an immigration detainer, also known as an ICE hold, will be released without further delay. Further, no inmate will be held on an immigration detainer when they are otherwise eligible for release.
- (b) Any detainees requested by Immigration and Customs Enforcement will be treated as a courtesy request to inform when a person is imminently going to be released. They will not be used to determine Classification of a prisoner or to determine program eligibility. Please note there is a difference between an arrest warrant signed by a magistrate, and an immigration detainer signed by an ICE agent. We will continue to honor all lawfully valid arrest warrants.
- (c) If ICE or the Sheriff's Office identifies a subject in custody where an ICE detainer placement should be considered by our office in order to preserve the public safety from an individual that presents a significant and foreseeable and/or articulable danger, the Captain will be briefed and seek approval from the Sheriff to honor the hold.
- (d) ICE agents will still have access to our jail. They will receive the same treatment and courtesy extended to any law enforcement officer conducting official business with us.

EXPIRATION: Per D.O. 1001, this order shall expire when rescinded by appropriate authority or superseded by policy.