

CLARK COUNTY SHERIFF'S OFFICE

WRITTEN DIRECTIVE

NEW ORDER XX	ADDENDUM	REVISION	NUMBER:
OPERATIONAL ORDER	SPECIAL ORDER		PERSONNEL ORDER
DATE ISSUED April 30, 2014	EFFECTIVE DATE April 30, 2014	CANCELLATION DATE	

TO:	All Sheriff's Office Employees
WRITTEN BY:	Chief Jail Deputy Ric Bishop, 3119
AUTHORIZED BY:	Undersheriff Joe Dunegan
SUBJECT:	Discontinued Use of Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) Detainers (Form I-247)
REFERENCE/	General Order 05.10.010 and PRO 05.10.080(4) Federal Detainer Exemptions – DHS ICE Detainer Form I-247
PURPOSE:	Compliance with Miranda-Olivares v. Clackamas County US District Court – District of Oregon Case No. 3:12-cv-02317-ST

As a result of the recent court decision *Miranda-Olivares v. Clackamas County US District Court – District of Oregon Case No. 3:12-cv-02317-ST*, and upon review of legal counsel, the Clark County Sheriff's Office shall cease to hold individuals in custody when the only authority is a request from DHS ICE in the form of a detainer. Absent a warrant or local legal charge, DHS ICE shall provide an affidavit of Probable Cause to show sufficient legal basis for a prisoner to be held at any Clark County Sheriff's Office jail facility. Just like any other arrest based upon Probable Cause, approval of the probable cause affidavit must be made by a judicial officer before the inmate has been in custody for 48 hours. If no such approval occurs, the inmate must be released. Before release, the Jail Command Duty Officer and DHS ICE shall be notified by the jail duty supervisor.

No DHS ICE Probable Cause statement form will be accepted unless first being approved by the Sheriff or his designee. Once approved, an example of the approved form will be made available to staff as an example for future processing.

Records staff will immediately remove all DHS ICE detainers that are based solely on DHS ICE form I-247.