

**Elbert County Sheriff's Office  
Detentions Division**

**Date: June 16, 2014**  
**Revised:**

**Policy:**  
**Pages: two**

**Jail Immigration Compliance and Enforcement  
Holds for Immigration and Customs Enforcement (I. C. E.)**

**Policy:**

It shall be the policy of the Elbert County Sheriff's Office not to segregate the nationality of anyone with regards to criminal conduct and their housing at the Elbert County Jail. The only need to determine individuals as foreign national citizens of another nation/state will be for inmate processing purposes and mandatory Consular notifications.

In the performance of duties to process and release inmates housed at the Elbert County Jail or investigations of criminal acts, the only notification to I.C.E. needed is that which furthers our own investigations and mission. Mandatory notification to Immigration and Customs Enforcement (ICE) is no longer supported by Colorado State Statute with the repeal of Senate Bill 90 or what was better known as SB 90 Mandatory ICE Notification.

It's the position of the Elbert County Sheriff's Office that the responsibility of immigration enforcement rests with the federal government. The Sheriff's Office recognizes "Secured Communities" which is a database controlled by the Department of Justice or entities of federal government specifically charged with the enforcement of immigration law. The Elbert County Sheriff's Office will continue to share information and assist I.C.E with investigations pertaining to individuals currently housed at the Elbert County Jail. The jail will continue to honor and detain foreign nationals on federal criminal arrest warrants, which are reviewed and signed by a federal magistrate.

Due to Federal Court rulings from the states of Oregon and Pennsylvania in March and April of 2014, decisively determining that Immigration Detainers I-247 and Form I-200 are merely requests for the detention of foreign nationals and not judicially reviewed for probable cause and issued, the Elbert County Sheriff's Office has determined that no statutory authority exist to enforce the requests.

Therefore as a result of these court rulings the Elbert County Sheriff's Office will not comply with the directives of Federal Regulation, 8 C.F.R 287.7 (d), regarding Immigration Detainer requests (Form I-247), or federal Administrative Warrants issued pursuant to 8 C.F.R. 236.1 (b) (Form I-200), requesting the detention of inmates for I.C.E.

I.C.E. detainers and administrative warrants are not enough to prevent a person from being lawfully released from the Elbert County Jail. Any person who makes bond or bail shall not be prevented from release unless a judicially reviewed detainer prevents such a release. As of June, 2014, I.C.E. detainers and administrative warrants and or orders are not enough to prevent the proper bond/bail release of an Elbert County jail inmate.