

**RESOLUTION NO. \_\_\_\_\_ - 2014**

**A RESOLUTION ADOPTING A POLICY REGARDING HOW SAN JUAN COUNTY  
WILL HONOR IMMIGRATION HOLD REQUESTS FROM THE UNITED STATE  
DEPARTMENT OF IMMIGRATION AND CUSTOMS ENFORMCEMENT**

**BACKGROUND**

- A. San Juan County under its charter may exercise the greatest power of local self-government, unless pre-empted by state or federal law, relating to its government and affairs, including the power to regulate for the protection and rights of its inhabitants.
- B. The enforcement of immigration laws has been and continues to be the responsibility primarily of the federal government.
- C. The United States Court of Appeals, 3<sup>rd</sup> and 9<sup>th</sup> Districts, have recently issued decisions that have clarified the role and responsibility of local government in immigration matters.
- D. Requests made by the Department of Immigration and Customs Enforcement in the form of a detainer for individuals in the custody of the Sheriff's Department have the potential to expose the County to a variety of legal claims and additional jail costs.
- E. It is in the best interest of the County to adopt a policy that supports the mission of the Department of Immigration and Customs Enforcement, insulates the County from legal risk and financial impact, and ensures the protection and rights of its inhabitants.

**NOW, THEREFORE, BE IT RESOLVED** by the County Council of San Juan County, state of Washington, as follows:

1. San Juan County adopts, and the Sheriff's Office shall implement, the following policy regarding hold or "detainer" requested made by the U.S. Department of Immigration and Customers Enforcement:

"The San Juan County Sheriff's Office shall cease to hold individuals in custody when the authority for such custody is a request contained in a Department of Homeland Security, Immigration and Customers Enforcement, immigration detainer. If Corrections Division personnel have independent information from any law enforcement agency that there is a sufficient legal basis for detention, such as probable cause or a confirmed warrant, the San Juan County jail will hold such person in custody as per established policy and procedure."

