



## Offender Supervision Bureau Procedure

**Directive Number:** 6.104

**Effective Date:** 10/15/11

**Revised Date:** 05/15/14

**Title:** Immigration and Customs Enforcement (ICE) Detainers

**References:** CFR Title 8, Chapter I, Subchapter B, Part 287.7(d)

### **Rationale:**

Weld County Sheriff's Office cooperates with the federal Department of Homeland Security, Immigrations and Customs Enforcement (ICE) officials in reporting when there is a reasonable belief that the arrested person is not legally present in the United States. ICE officials may issue a detainer/warrant enabling ICE the opportunity to assume custody of an arrestee before they are released. Facility staff will cooperate with federal officials with regard to a person's immigration status.

### **Definitions:**

ICE Detainer—serves as a request to an agency that the Department of Homeland Security (DHS) seeks custody of an alien present in the custody of the agency for the purpose of arresting and removing the alien. A detainer is a request that such agency advise the DHS, prior to release of the alien, in order for the DHS to arrange and assume custody. No person shall be detained by the Sheriff's Office based solely on an ICE Detainer and/or Administrative Warrant.

ICE Administrative Warrant--- a document which authorizes the arrest and detention of an alien for removal proceedings. No person shall be detained by the Sheriff's Office based solely on an ICE Detainer and/or Administrative Warrant.

### **Procedure:**

1. Any authorized immigration officer may issue a Form I-247, Immigration Detainer—Notice of Action to the Jail at any time
  - a. In order for the detainer to be entered into the JMS, it must be accompanied with a served Form I-200 administrative warrant of arrest for removal proceedings.
2. Detainers are documented as a "Hold" on the inmate's hold screen for notification and recordkeeping purposes only.
  - a. The file Alien ID number and the date of the hold are placed on the hold screen.
3. Detainers/warrants are considered a request for notification only; notification pursuant to a detainer/warrant is valid only until charges or reason for local custody is complete
  - a. Booking technicians fax a notification to ICE when all other charges reach a disposition and reason for local custody is complete
    - i. Send notification prior to completing the release process



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- ii. Notification and the fax confirmation sheet copies are filed in the inmate booking file
- b. An automated daily report of known outdates for persons with ICE Notification Holds shall be sent to the ICE office.