



IMMIGRATION AND CUSTOMS ENFORCEMENT

POLICY.

In regard to interactions with the US Immigration and Customs Enforcement (ICE), it is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) to cooperate as required by 8 USC § 1373 and as authorized by ORS 181A.820 and as allowed by 2017 HB 3464.

PURPOSE.

The purpose of this policy is to provide specific guidelines for member coordination with Immigration and Customs Enforcement (ICE).

OREGON JAIL STANDARDS:

- B-206 Foreign-Born Arrestees

REFERENCES:

- Communication between government agencies and Immigration, 8 U.S. Code § 1373
- ORS 181A.820 , Enforcement of federal immigration laws
- ORS 180.805, Prohibited involvement of public bodies in federal immigration law enforcement

DEFINITIONS:

Foreign National. A person who is a lawful citizen of another country. Lawful permanent resident aliens with a resident alien registration card (INS Form I-551), commonly called a “green card,” are foreign nationals for the purposes of consular notification.

Immigration Enforcement Agents (IEA). Uniformed agents, who identify, arrest and remove aliens who present a danger to national security or are a risk to public safety.

U.S. Immigration and Customs Enforcement (ICE). A federal law enforcement agency under the United States Department of Homeland Security, responsible for identifying, investigating, and dismantling vulnerabilities regarding the nation's border, economic, transportation, and infrastructure security.

PROCEDURES:**SECTION A: GUIDELINES**

- A-1. Sharing of Information.** As outlined in *CD-5-13, Consular Notification*, the AJ will request information about an arrestees' citizenship status and whether they are foreign born as required to comply with provisions of the Vienna Convention on Consular Relations. The Sheriff's Office will provide ICE with information about foreign-born arrestees/inmates daily, pursuant to 8 USC § 1373. The shift supervisor will send this information daily via email using the Jail Management System (JMS) *Non-U.S. Citizen by Date – Deschutes* report. Additional communication or action with ICE regarding the status of an individual inmate will be documented in the Attachment section of the JMS. The Sheriff's Office will not provide any information to ICE that is prohibited by Oregon statutes.
- A-2. Allowing ICE to interview inmates.** If ICE notifies the AJ they wish to interview an inmate in the custody of the AJ, members will notify the inmate of the request. If the inmate consents to the interview, ICE personnel will normally conduct the interview by telephone. In some circumstances (i.e. subpoena), this interview may be in-person. Inmates will never be required to speak with ICE personnel if they do not wish to do so.
- A-3. Detainers.** The AJ will not honor ICE immigration detainers (I-247A or similar versions) or requests for detainers, due to the civil liability involved as demonstrated by the *Miranda v. Olivares* case, as well as other cases that have reached similar conclusions. Detainer requests will not be honored even if accompanied by an I-200 Warrant for Arrest or I-205 Warrant of Removal/Deportation as those documents ARE NOT signed by a judicial officer, but by an ICE immigration officer.
- A-4. Warrants.** The AJ will honor a warrant of arrest or other order signed by a state or federal magistrate or Article III judge. These warrants are signed by a federal judge or US District Court clerk, and are issued after a federal grand jury indicts someone for a federal crime. These warrants will have a seal from the court and may list the offense as, "Illegal Reentry."
- A-5. Holding Past Local Release Time.** The AJ will not hold a person for any period of time past their local release time, unless presented with a warrant of arrest or other order signed by a state or federal magistrate or Article III judge authorizing the continued detention.
- A-6. Transfer of Custody to ICE.** The AJ will allow an Immigration Enforcement Agent (IEA) to take custody of an individual inside the secure facility of the AJ if presented with a warrant of arrest or other order signed by a state or federal magistrate or Article III judge. Absent such a warrant or court order, the AJ will not normally allow an IEA inside the secured perimeter, and will release the individual in the same manner as other released individuals. An IEA may take custody outside the secure portion of the facility

in a public area (i.e. Inmate Services). The Sheriff, for unusual circumstances or extreme risk situations, may make exceptions.

FORMS USED:

JailTracker – *Non-U.S. Citizen by Date - Deschutes*