

INTRADEPARTMENTAL CORRESPONDENCE

July 3, 2014
18.2

TO: All Jail Division Personnel

FROM: Assistant to the Director, Office of Special Operations

SUBJECT: CEASE HONORING OF IMMIGRATION DETAINER – NOTICE OF ACTION

Recent court decisions have raised Constitutional concerns regarding the enforcement of Immigration Detainer – Notice of Action (IDNA). As such, effective immediately Jail Division personnel shall cease honoring all IDNAs from the Immigration and Custom Enforcement Agency, Department of Homeland Security (ICE), unless ONE of the following conditions is met:

- Judicial Determination of Probable Cause (PCD) for that detainee; or
- A warrant from a Judicial Officer

Unless one of the two conditions is met, Jail Division shall not honor IDNAs and shall not extend custody of an individual beyond the original booking and detention periods of the original charge and bail. In the event that a Jail Division employee believes he/she has an arrestee that meets one of the stated conditions, the employee shall immediately notify the Commanding Officer (CO), Jail Division for advice. An IDNA shall not be honored, under any circumstance, without prior approval from the CO Jail Division.

Upon receipt of an IDNA from an ICE representative, Watch Commanders shall ensure the IDNA Approval Form is completed indicating the disapproval. The IDNA and Approval form shall be submitted with the Watch Commander's Log.

Jail Division Order No. 2, dated March 1, 2014, will be revised to reflect this new practice.

I am available at your convenience to discuss this matter further.



JOHN A. SHERMAN, Commander
Assistant to the Director
Office of Special Operations