

**RIVERSIDE COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION POLICY MANUAL**

TITLE: Immigration and Customs Enforcement (ICE)- Notification **NUMBER:** 506.23

POLICY: Effective May 6, 2014, ICE Detainers will no longer be honored on advice from legal counsel, unless supported by a federal probable cause hearing.

REFERENCE: *Miranda-Olivares v. Clackamas County*, 2014 WL 1414305 (D. Ore. Apr. 11, 2014); *Galarza v. Szalczyk*, 745 F.3d 634 (3d Cir., Mar. 4, 2014); Letter dated February 25, 2014 from Acting Director of I.C.E. Daniel H. Ragsdale to U.S. Representative Adam Smith and related correspondence; and Title 42 U.S.C. § 1983.

GUIDELINES:

- 1.0 ICE Detainers will not be honored unless accompanied with documentation of proof a federal probable cause hearing occurred and such proof is signed by a judge.
 - 1.1 ICE Agents/USBP/Secure Communities will continue to submit ICE Detainer requests. Upon receipt of an ICE Hold, designated staff shall:
 - 1.1.1 Place the hold in the inmate file with the statement, "ICE Hold received date/time. Staff will print in the comments section, "ICE Hold Rejected."
 - 1.1.2 DO NOT enter the ICE Detainer information into JIMS
 - 1.1.3 Make a complete entry into the existing AB4 Log. Email the log to the designated HMU staff by 0500 hours daily.
 - 1.2 For Inmates with existing ICE holds and who are due for Release, staff shall:
 - 1.2.1 Process the inmate for release per Corrections Policy
 - 1.2.2 Not hold/transfer the inmate for release to ICE/USBP custody
 - 1.2.3 Update the following:
 - In the JIMS description section, indicate "ICE Hold Rejected." + date rejected
 - In the comments/notes section of the inmate file, indicate "ICE Hold Rejected" + date rejected