

# Immigration Detainers

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## Policy Statement

Whatcom County Sheriff's Office corrections facilities may no longer hold individuals *solely* on federal immigration detainers, normally received via DHS [Form I-247](#).

## Persons Affected

All commissioned corrections personnel

## Background

This immediate change is necessary due to a recent U. S. District Court decision in *Miranda-Olivares v. Clackamas County*, excerpts from which are:

...this court concludes that 8 CFR § 287.7 [the authority that Form I-247 cites] does not *require* LEAs to detain suspected aliens upon receipt of a Form I-247 from ICE and that the Jail was at liberty to refuse ICE's *request* to detain Miranda-Olivares if that detention violated her constitutional rights... [italics added]

There is no genuine dispute of material fact that the County maintains a custom or practice in violation of the Fourth Amendment to detain individuals over whom the County no longer has legal authority based only on an ICE detainer which provides no probable cause for detention. That custom and practice violated Miranda-Olivares's Fourth Amendment rights by detaining her without probable cause both after she was eligible for pre-trial release upon posting bail and after her release from state charges.

## Guidance

- Corrections personnel shall not accept any offender presented for booking solely on an I-247 detainer.
- Corrections personnel shall only hold inmates as long as it takes to process them for release on other matters. In other words, the presence of an I-247 in an inmate's file shall not delay the normal release of that inmate.

## Procedural Issues

Corrections personnel who receive a Form I-247 on an inmate who is currently in custody on other matters should do the following:

- Note the requested hold on the booking information/hard card.

## Special Order

- Notify the agency that requested the hold (normally listed in the *From* box on the I-247) as soon as practicable prior to the inmate's release.