

## Booking Training Guide: Immigration Detainer/Notification

Immigration may provide documents for inmates which may dictate a Hold being placed or notification of pending release. The following will address both situations.

**Immigration Hold:** The Garfield County Detention Facility will honor legal Immigration Detainers. A detainer is legal only if Immigration provides the following documents:

1. A warrant or order signed by an immigration judge or U.S. District Court Judge or Magistrate ("Judicial officer") finding probable cause exists to deport or detain the subject inmate. This could include a final order of deportation.
2. A completed I-247A form (Immigration Detainer).

Immigration may provide other forms, such as an I-205 or an I-200. These documents alone are not sufficient to initiate an Immigration Detainer unless they are signed by a judicial officer or signed by an Immigration agent and accompanied by an Order signed by a judicial officer or warrant signed by a judicial officer. **DO NOT DETAIN UNLESS AN ORDER OR WARRANT SIGNED BY A JUDICIAL OFFICER IS PROVIDED**

Upon receiving a legal detainer, the supervisor on duty will be notified. Staff shall not place a detainer upon an inmate until the supervisor has an opportunity to review the documentation to confirm the detainer complies with the above criteria and appears in good faith to be a legal detainer. Once a detainer is placed upon an inmate, the supervisor will send an email to the supervisory group along with the assigned County Attorney notifying of the hold; (attach copies of all documents provided by Immigration). Supervisors shall have a reasonable amount of time to verify the documentation. If a detainer cannot be verified within a reasonable amount of time, and there are no other legal holds upon the inmate, the inmate will be released without any further delay.

Upon confirmation a legal detainer exists, this facility will notify Immigration that a detainer has been placed for the inmate. A 'Booking Hold For' will be entered in the inmate's New World System's booking jacket as follows:

**Booking Hold For:** Reason - Immigration Hold | Remarks - "Proper documentation received – Detainer placed"

If the mandatory documents have not been received, there shall be no detainer placed upon any inmate being held at this facility.

**Immigration Notify:** If partial or non-judicial documentation is received, Immigration may be notified of an inmate's pending release and informed that this facility will not delay release unless it receives a legal detainer that complies with the above criteria. A 'Booking Hold For' will be entered in the inmate's New World System's booking jacket as follows:

**Booking Hold For:** Reason - Immigration Give Notice | Remarks - "Notify Immigration of pending release"

**Release:** Upon completion of all cases (bond, dismissed, sentenced), notification to Immigration will be done as follows:

**Inmates with an 'Immigration Hold':** Immigration must be notified they have 48 hours to pick up the inmate. When the '48 Hour Hold' period goes into effect, the deputy initiating this hold will send an email to the supervisory and booking groups stating the following:

- Name of the inmate
- Name of Immigration Officer notified and method of notification (email, phone)
- Date and time of notification
- Subject: Immigration Hold 48 Hour Rule

If ICE chooses to pick up the inmate and arrives within the 48 hour hold timeframe, transfer of custody will be performed within the facility (Booking; Sally port). If Immigration does not choose to pick up the inmate or does not arrive within the 48 hour hold timeframe, the inmate will be released without delay.

If the inmate is transferred to another jurisdiction, the immigration documents will also be transferred.

**Inmates with an 'Immigration Give Notice':** Immigration may be notified of pending release of an inmate. Notification should be done as soon as it is apparent the inmate is releasable and not at the end of the release process.

If Immigration chooses to pick up the inmate and arrives prior to release, transfer of custody will be performed within the facility (Booking; Sally port). If Immigration does not choose to pick up the inmate or does not arrive prior to finishing the release process, the inmate will be released without delay.