

**MARIN COUNTY SHERIFF'S DEPARTMENT
GENERAL ORDER**

**CHAPTER 5 – Operations
GO-05-24
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DATE: 08/15/17

IMMIGRATION STATUS (TRUST ACT IMPLEMENTATION)

POLICY

No person shall be contacted, detained, or arrested solely on the basis of his or her immigration status.

The Marin County Sheriff's Office will equally enforce the laws and serve the public without regard to immigration status. Except, as specifically set forth in this policy, the immigration status of a person, and/or the lack of immigration documentation, should have no bearing on the manner in which Deputies execute their duties.

DEFINITIONS

ICE Detainer- Notice Of Action Request / DHS Form I-247A: A request by Immigration and Customs Enforcement (ICE) that the Marin County Sheriff's Office both: (1) provide ICE with the release date information and notify ICE as early as practicable, at least 48 hours, if possible, before a removable alien is released from criminal custody; and (2) maintain custody of the alien for a period not to exceed 48 hours beyond the time the alien would otherwise have been released to allow ICE to assume custody for removal purposes.

ICE Warrant for Arrest of Alien / DHS Form I-200: A request made by ICE that the Marin County Sheriff's Office arrest and take into custody an alien for removal proceedings under the Immigration and Nationality Act. The Form I-200 must accompany the DHS Form I-247A and be signed by an authorized immigration officer.

ICE Warrant of Removal / Deportation / DHS Form I-205: A request made by ICE that the Marin County Sheriff's Office facilitate the transfer of an inmate in its custody to ICE. The Form I-205 must accompany the DHS Form I-247A and be signed by an authorized immigration officer.

Marin County Sheriff's Office Immigration Detainer-Notice of Action Memorandum: Written notification to ICE that the Marin County Sheriff's office shall provide them with an inmate's release date, after providing notice to the inmate and his/her designee (see Truth Act GO-05-28), but will not honor the request to detain the inmate beyond the time he/she would otherwise be released from our custody.

PROCEDURES

A. IMMIGRATION VIOLATION COMPLAINTS

1. If members of the public contact the Marin County Sheriff's Office to report suspected immigration violations, such persons should be directed to ICE.

B. IMMIGRATION STATUS

1. A Deputy's suspicion about any person's immigration status shall not be used as a sole basis to initiate contact, detain, or arrest that person unless such status is reasonably relevant to

the investigation of a crime, such as human trafficking, smuggling, harboring, and/or terrorism.

2. Sweeps intended solely to locate and detain undocumented immigrations are not permitted. Deputies will not participate in ICE-organized sweeps to locate and detain undocumented aliens. Marin County Sheriff's Office personnel may, however, provide support services, including traffic control, during an ICE operation, upon specific request from ICE for assistance, with the approval of a lieutenant or higher authority.

C. ESTABLISHING IDENTITY

1. Deputies should attempt to identify any persons who they detain or arrest.
2. Any person who would otherwise be cited and released, but who is unable to present satisfactory evidence of his or her identity, will be detained for the purpose of establishing his or her identity.
3. A person taken into custody pursuant to CVC 40302(a) may be detained for no more than two hours, regardless of whether or not his or her identity has been verified pursuant to CVC 40307.

D. NOTIFICATION TO ICE OF IMMIGRATION VIOLATIONS

1. Generally, Custody Division deputies will not directly notify ICE of the immigration status of inmates.
2. Generally, Patrol Division deputies will not notify ICE of the immigration status of arrestees, except notification to ICE will be made if a deputy has cause to believe that a person arrested for any violation listed in H&S Section 11369, may not be a citizen of the United States.

E. WITNESSES AND VICTIMS

1. Undocumented immigrants must feel secure that contacting the Marin County Sheriff's Office will not put them at risk of deportation. The immigration status of crime victims or witnesses should not be probed.
2. U-VISA Nonimmigrant Status. Federal law grants immigration benefits to victims of qualifying crimes who have been helpful to the investigation and/or prosecution of the case. Victims of crimes reported to the Marin County Sheriff's Office should be offered a victim information pamphlet. (This is related to MCSO GO-05-01: Victim Assistance)

F. RESPONDING TO REQUESTS FOR IMMIGRATION HOLDS

1. The Marin County Sheriff's Office regularly receives Immigration Detainer-Notice of Action Requests / DHS Form I-247A from ICE. The Form I-247A asks the Marin County Sheriff's Office to notify ICE as early as practicable, and at least 48 hours in advance, if possible, before a removable alien is released from criminal custody. The Form I-247A further asks the Sheriff's Office to maintain custody of that alien for a period not to exceed 48 hours beyond the time the alien would otherwise have been released so ICE can assume custody of that inmate for possible deportation proceedings .

The Sheriff's Office will respond to the requests detailed in the Form I-247A only as described by this policy.

- a. Release date information may be provided, irrespective of the nature of the inmate's current charges and/or past conviction(s), subject to the noticing requirements described by GO-05-28.
- b. Requests to detain an inmate beyond his/her normal release date shall be declined unless ICE presents a judicial warrant supported by probable cause. (An attestation of probable cause or a warrant signed by an ICE official, as in Forms I-200 and I-205, is not sufficient to support the continued detention of an inmate.)

G. PROVIDING A RELEASE DATE, BUT DECLINING A REQUEST TO DETAIN

1. Under circumstances where the Sheriff's Office agrees to provide release date information to ICE, but declines to honor their request to detain, a Marin County Sheriff's Office Immigration Detainer-Notice of Action Memorandum will be sent to ICE advising them of that fact.

H. EQUALITY OF ACCESS

1. ICE detainees held in our custody will have equal access to custody programs if otherwise program-eligible.

I. WARRANTS

2. ICE detainers and valid criminal warrants, regardless of crime, are entirely separate and should not be confused. This policy does not affect the proper handling of arrests and detentions associated with criminal arrest warrants. Duly issued criminal warrants will, in all cases, be honored.

REALTED STANDARDS
California Assembly AB 4 Trust Act
General Order 05-28 Truth Act

DATE OF REVISIONS:
01/13/14
06/11/14
10/13/15
08/15/17

AFFECTED DIVISIONS:
All

By order of

ROBERT T. DOYLE
SHERIFF-CORONER