



1500 Lamont Ave.,
Kalamazoo, MI
49048

I. Written Directive

No. 1.0.67

Subject: **UNDOCUMENTED IMMIGRANTS AND ICE DETAINERS**

Distribution:

New

Replaces:

Effective
11/29/2018

Amended

Revised

Notes:

Reviewed

Date: 12/5/2018

Authorized By: *Richard C. Fuller*

I. PURPOSE

To establish guidelines for the proper treatment of undocumented immigrants who come into contact with members of the Kalamazoo County Sheriff's Office and the handling of U.S. Immigration and Customs Enforcement (ICE) Detainers by the Kalamazoo County Sheriff's Office Jail.

II. POLICY

It is the policy of the Kalamazoo County Sheriff's Office to maintain a long standing professional partnership with all federal law enforcement agencies. In order to formalize policy and to ensure continued compliance with existing federal law, personnel assigned to the Kalamazoo County Sheriff's Office are hereby instructed that they will adhere to and, when necessary, facilitate the following:

1. Ensure that agents of the United States acting under the color of law are given access to the Kalamazoo County Jail as professional visitors for the narrow purpose of permitting such agents, with official government identification, to meet with specific, named inmates who are or believed to be aliens, in violation of federal law, and to inquire as to such individual's right to be in or to remain in the United States.
2. Ensure that when the Department of Homeland Security (DHS) provides a formal written request, one that is authorized by the Immigration and Nationality Act, seeking advance notice of the scheduled release date of a particular in-custody inmate/alien, to an officer of the Kalamazoo County Sheriff's Office (KCSO), the officer shall ensure that information is provided.

Kalamazoo County Sheriff's Office Compliance with Federal Law, 8 USC 1373

3. Employees of the Kalamazoo County Sheriff's Office will verify the validity and if deemed valid will, therefore, honor an arrest warrant that has been issued by a federal judge or magistrate. When an Employee is engaging in the bond and/or release process, the Employee will treat a federal arrest warrant, that has been issued by a federal judge or magistrate, in the same manner in which they would treat an arrest warrant issued by a court of this state or any other state. Contact shall be made with the agency responsible for confirming the validity of the arrest warrant. If the agency will not/cannot confirm the validity of the arrest warrant, the warrant will be treated as if

it does not exist and the bond/release process will follow its normal course. In the event the agency is able to verify the validity of the arrest warrant, an inquiry will be made to determine if they intend to immediately come to that Kalamazoo County Jail and take custody of that individual. If the agency indicates they will not be able to pick up the individual within 2 hours, the following shall occur:

- a. The officer will ask the agency whether the arrest warrant is for a felony charge or a misdemeanor charge.

- (1). If the arrest warrant is for a misdemeanor charge, the agency will be notified that the individual will be held no longer than 2 hours. The officer will further advise the agency that if pickup is not made by that time, the individual will be advised as to the existence of the arrest warrant and released.

- (2). If the arrest warrant is for a felony charge, the agency will be notified that the individual will be held until no later than 1200 hours the following day. The officer will further advise the contact person that any other time delay must be discussed in advance with the Jail Sergeant or OIC, who will seek authority from a command officer. This section includes holidays and weekends.

If the agency does not arrive within the specified time frame and the agency has not contacted the Kalamazoo County Sheriff's Office to explain the reason and request an additional short-term delay, the individual will be processed as if the federal arrest warrant does not exist.

NOTE: In the event of extenuating circumstances, the OIC/Sergeant on duty may exceed the time limit specified below.

Two copies of sample federal arrest warrants are provided as attachments to this order. Note that the forms are similar, but not exactly uniform. Each indicates that the warrant is out of the United States District Court for the Eastern District. Both have a signature line that is followed by a line that identifies the name and title of the authorizing judge or magistrate. One copy has a form number on it, and the other does not.

Kalamazoo County Sheriff's Office Compliance with Federal Law, 8 USC 1373

4. The Department of Homeland Security (DHS) also uses Immigration Detainers – Notice of Action (Detainers). This Detainer will display a form number of I-247A. See the following for specific instructions on what actions members of the Kalamazoo County Sheriff's Office will take in response to a Detainer:
 - a. The Kalamazoo County Sheriff's Office (KCSO) will comply with paragraph 3 above when it becomes aware of the existence of an Immigration **Detainer** – Notice of

Action (IDNA), issued by the Department of Homeland Security's Immigration and Customs Enforcement (ICE), which develops probable cause to believe the subject is a removable alien. See the attached sample of an I-247A Detainer. **Administrative** arrest warrants which accompany the Detainer and display a form number of I-200 or I-205 are authorized by a DHS official. One of these forms **must** accompany an I-247A Detainer when received for action by the KCSO. See the attached samples of an I-200 and I-205 Administrative Arrest Warrants.

- b. If the Kalamazoo County Sheriff's Office is noticed and served with a Detainer by the Department of Homeland Security, the Detainer will be placed in the named individual's confinement file. If the Detainer includes a request that DHS be notified as to the individual's anticipated date of release, this request will be honored.

III. DEFINITIONS

ICE: U.S. Immigration and Customs Enforcement: Has a primary mission to promote homeland security and public safety through the criminal and civil enforcement of federal law governing border control and customs.

IMMIGRATION DETETAINER:

A notice on Form 1247A that ICE issues to a federal, state, local, or tribal Law Enforcement Agency to inform the Law Enforcement Agency that ICE intends to assume custody of an inmate incarcerated at the Kalamazoo County Jail.

Note: A detainer notice must be accompanied by a completed I-200 (Warrant for arrest of Alien) or I-205 (Warrant of Removal / Deportation form). These forms must be signed by an ICE Agent to be valid.

UNDOCUMENTED IMMIGRANT:

A noncitizen who does not have lawful immigration status in violation of federal immigration laws.

ALIEN:

A noncitizen who may or may not have lawful immigration status in violation of federal immigration laws.

IV. RESPONSIBILITES

All staff of the Kalamazoo County Sheriff's Office shall be familiar with the I-247A Immigration Detainer – Notice of Action.

- A. A member of the Sheriff's Office shall not take someone into custody on an Immigration Detainer alone, unless it is accompanied by a Judicial Warrant.
- B. Immigration Detainers do not appear in the LEIN system.

- C. Members of the Sheriff's Office shall not arrest any individual for being an undocumented immigrant alone.

Kalamazoo County Sheriff's Office Compliance with Federal Law, 8 USC 1373

- D. The Kalamazoo County Sheriff's Office is not an enforcement arm for ICE. If an ICE representative request our assistance in locating, arresting, or investigating undocumented immigrants solely for immigration violations. The Sheriff's Office staff member shall notify on duty command immediately if asked to participate. The on duty command shall contact the Sergeant.

V. PROCEDURE

- A. When an Immigration Detainer (I-247) is received by the Kalamazoo County jail, the Sergeant or OIC shall contact the appropriate ICE representative. If ICE requests, they will be made aware of the inmate's current status and any known court dates, release dates, or other legal proceedings that may affect release. All notice and contact with ICE will be indicated in the inmate's booking information.
- B. When the inmate is 3 days from release, the Receiving Sergeant or their designee, shall notify ICE of the pending release date. The Receiving Sergeant will make another documented call the following day, as well as the day before leading up to the inmate's release. Each notification will be noted in the inmate's computer file.

VI. ATTACHMENTS

- A. ICE Detainer Request Form I-247A
- B. I-200 (Warrant For Arrest of Alien)
- C. I-205 (Warrant of Removal / Deportation)

End of Written Directive
RCF

ADMINISTRATIVE WARRANT THAT MAY ACCOMPANY A DETAINER

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien



NOT ATTRIBUTED TO A U.S. COURT

File No. A 207 523 088

Date: 05/07/2018

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that [REDACTED] is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- information confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

L. Sanchez, SDO NOT A JUDGE/MAGISTRATE
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service.

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service) and the contents of this

warrant were read to him or her in the _____ (Language) language.

(Name and Signature of Officer)

(Name or Number of Inspector (if applicable))

United States District Court

Eastern Judicial District of Michigan

United States of America

v.

WARRANT FOR ARREST

* COURT
ISSUED

CASE NUMBER:

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED TO ARREST
and bring him forthwith to the nearest Magistrate Judge to answer a Complaint.

Charging him with willful failure to Depart in violation of Title 8 USC, Section
1253(a)(1)(B).

Name of Issuing Officer

United STATES MAGISTRATE JUDGE

Detroit, Michigan

Signature of Issuing Officer

Date and Location.

Bail fixed at \$ _____ by _____

(Name of Judicial Officer)

JUDGE OR
MAGISTRATE

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

Date received

Name and Title of Arresting Officer

Signature of Arresting Officer

Date of Arrest

NO FIRM # 1.

