



Policy Type: Board

Category: Public Safety **Sub-Category:** Corrections

Policy Name: Civil Immigration Detainer Requests - Board Policy 3.54

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3.54 CIVIL IMMIGRATION DETAINER REQUESTS (Adopted 10-18-11)

It is the policy of Santa Clara County (County) to honor civil detainer requests from the United States Immigration and Customs Enforcement (ICE) by holding adult inmates for an additional 24-hour period after they would otherwise be released in accordance with the following policy, so long as there is a prior written agreement with the federal government by which all costs incurred by the County in complying with the ICE detainer shall be reimbursed:

- (A) Upon written request by an Immigration Customs and Enforcement (ICE) agent to detain a County inmate for suspected violations of federal civil immigration law, the County will exercise its discretion to honor the request if one or more of the following apply:
 - (1) The individual is convicted of a serious or violent felony offense for which he or she is currently in custody.
 - (a) For purposes of the policy, a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code and a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code.
 - (2) The individual has been convicted of a serious or violent felony within 10 years of the request, or was released after having



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served a sentence for a serious or violent felony within 5 years of the request, whichever is later.

- (a) If the individual has been convicted of a homicide crime, an immigration detainer request will be honored regardless of when the conviction occurred.
 - (b) This subsection also applies if the Santa Clara County Department of Corrections has been informed by a law enforcement agency, either directly or through a criminal justice database, that the individual has been convicted of a serious or violent offense which, if committed in this state, would have been punishable as a serious or violent felony.
- (B) In the case of individuals younger than 18 years of age, the County shall not apply a detainer hold.
- (C) Except as otherwise required by this policy or unless ICE agents have a criminal warrant, or County officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws, ICE agents shall not be given access to individuals or be allowed to use County facilities for investigative interviews or other purposes, and County personnel shall not expend County time or resources responding to ICE inquiries or communicating with ICE regarding individuals' incarceration status or release dates.

Related Policies

None.

Related Forms and Information



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None.

History

Date	Changes Made
1/31/2014	Policy Uploaded. (John Myers)
10/18/2011	Policy Adopted. View legislative file.