

ICE Detainers

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Chapter: 1. Administration and Management

Section: 8. Professional Conduct

Policy Number: 1.8.17

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PURPOSE

The purpose of this policy is to promote public safety through continued Travis County Sheriff's Office (TCSO) enforcement of all Texas criminal laws, to protect and serve all residents of Travis County regardless of their immigration status, and to ensure the continued participation of victims and witnesses regardless of their immigration status.

POLICY

It is the policy of the TCSO to cooperate with the U.S. Immigration and Customs Enforcement (ICE) in accordance with the following procedures:

1. For purposes of this section, an Immigration and Customs Enforcement “detainer request” (also known as “ICE holds”) shall be defined as any request to local law enforcement to: (a) voluntarily notify ICE in advance of releasing the subject of a detainer request, and/or (b) to continue the detention of an inmate beyond expiration of municipal, state, or federal charges, or a finding of no probable cause, or a posting of bail or parole, or a completion of a sentence, or lifting of another jurisdiction or agency's detainer, or a court ordered release. ICE detainer requests include, and are not limited to, DHS forms I-247, I-247D, I-247N, and I-247X. Judicial warrants or any court order for continued detention shall not be considered ICE detainer requests for purposes of this section.
2. TCSO shall comply with ICE detainer requests under the following circumstances: (a) when the detainer request is accompanied by a judicial warrant or court order for continued detention or notification, to the extent required by the judicial warrant or court order; or (b) when the individual who is the subject of the ICE detainer request is charged with or has been convicted of the following felonies under Texas law: (1) Capital Murder, Tex. Penal Code § 19.03; (2) Murder – First Degree, Tex. Penal Code § 19.02; (3) Aggravated Sexual Assault, Tex. Penal Code § 22.021, and (4) Continuous Smuggling of Persons, Tex. Penal Code § 20.06. A conviction consists of a final entry of adjudication of guilt by a court pursuant to statute, and after exhaustion of the appellate process. If a court later (a) vacates the judicial warrant or court order, or (b) the

individual's conviction and/or sentence is overturned, TCSO will decline the ICE detainer request relating to that individual.

3. TCSO officials shall not conduct or initiate any immigration status investigation into individuals in TCSO custody or provide information on an inmate's release date or address to ICE.
4. Except as otherwise provided in this policy, TCSO personnel shall not expend county resources or time communicating with ICE regarding an inmate's release date, incarceration status, or court dates, unless ICE presents a judicial warrant or court order. Information regarding incarceration status of inmates is available on the TCSO website. Information regarding court dates is available on the Travis County Courts' website. TCSO personnel shall not use any department resources to assist in the enforcement of federal immigration laws. TCSO personnel shall not request backup or interpretation assistance from ICE or U.S. Customs and Border Protection agents, but in the event of emergency should contact supervisors within TCSO.
5. Absent a judicial warrant or court order, TCSO shall not allow ICE to conduct civil immigration status investigations at the jail or at TCSO offices. Nothing in this policy prevents the TCSO from deciding to cooperate with ICE, as the Sheriff determines on a case-by-case basis, on matters of national security.
6. No TCSO personnel in the jail, on patrol, or elsewhere may inquire about a person's immigration status. A TCSO employee's suspicion about any person's immigration status shall not be used as a basis to initiate contact, question, detain, or arrest that person. TCSO personnel shall not participate in sweeps intended solely to locate and detain undocumented immigrants, whether or not initiated or organized by ICE.
7. Any individual who alleges a violation of the policy set forth herein may file a written complaint for investigation with the Travis County Sheriff's Internal Affairs Division.
8. TCSO is committed to protecting immigrant victims of crime in Travis County through timely administration of requests for T-Visa and U-Visa certifications.
9. TCSO reserves the right to exercise discretion in any individual case to ensure that justice is served.
10. This policy in no way prohibits or restricts sending information to or requesting or receiving information from ICE regarding an individual's immigration or citizenship status, and nothing in this policy shall be construed to prohibit or restrict TCSO personnel from exchanging information regarding the immigration or citizenship status of any individual with ICE.

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