

<p><b>[NAME] COUNTY</b></p> <p><b>SHERIFF'S DEPARTMENT</b></p> <p><b>GENERAL ORDER</b></p>	<p><b>NUMBER:</b></p> <hr/> <p><b>RELATED ORDERS:</b></p> <hr/> <p><b>ISSUE DATE:</b></p> <hr/> <p><b>REVISION DATE:</b></p>
<p><b>CHAPTER:</b></p>	<p><b>SUBJECT:</b> ICE and CBP Policy</p>

1. **PURPOSE:** The purpose of this order is to provide deputies with guidelines on their duties and responsibilities associated with immigration law, enforcement, arrests, and detentions.
2. **POLICY:** The [NAME] County Sheriff’s Department will equally enforce laws and serve the public without consideration of immigration status. Except as specifically outlined in this General Order, the immigration status of a person, or the lack of immigration documentation, shall have no bearing on the manner in which staff execute their duties.

Under no circumstances shall a person be contacted, detained, or arrested by agency members based on his or her immigration status, whether known or unknown.

3. **DEFINITIONS:**

- A. **IMMIGRATION AND CUSTOMS ENFORCEMENT:** The U.S. Department of Homeland Security’s Immigration and Customs Enforcement Agency (ICE) has primary responsibility to investigate and enforce federal immigration laws.
- B. **CUSTOMS AND BORDER PROTECTION:** The U.S. Department of Homeland Security’s Customs and Border Protection Agency (CBP) is charged with all border-related security, regulatory and administrative missions.
- C. **FEDERAL IMMIGRATION AUTHORITY:** Any officer, employee, or person otherwise paid by or acting as an agent of United States Immigration and Customs Enforcement or United States Customs and Border Protection, or any division thereof, or any other officer, employee, or person otherwise paid by or acting as an agent of the United States Department of Homeland Security who is charged with immigration enforcement.
- D. **JUDICIAL WARRANT:** A criminal warrant based on probable cause and issued by a federal judge or a federal magistrate judge.
- E. **IMMIGRATION HOLD REQUESTS:** Immigration hold requests (also known as ICE holds) are requests by ICE to local law enforcement to hold detainees for additional time (maximum of 48 hours excluding weekends and holidays) after the criminal matter requires release to allow time for ICE to take the individual into immigration custody.
- F. **IMMIGRATION NOTIFICATION REQUESTS:** Requests by ICE to local law enforcement for notification when an individual is released from jail custody.

- G. IMMIGRATION TRANSFER REQUESTS: Requests by ICE to local law enforcement seeking transfer of an individual from jail custody to immigration custody.
4. **ORDER:** When [NAME] County Sheriff's personnel encounter perceived immigration law violations, members shall be guided by the options set forth in this Order.
- A. IMMIGRATION STATUS:
1. A deputy's suspicion about any person's immigration status shall not be used as a basis to initiate contact, detain, or arrest that person.
  2. A deputy may not inquire about a person's immigration status.
  3. Sweeps intended solely to locate and detain potentially deportable immigrants shall not be conducted. Staff will not participate in ICE or CBP organized sweeps to locate and detain potentially deportable immigrant residents.
- B. ACCEPTABLE FORMS OF IDENTIFICATION:
1. Acceptable forms of identification include, but are not limited to, student IDs, driver's licenses from any U.S. state or foreign country, municipal IDs issued by a U.S. jurisdiction, foreign passports, and consular ID cards. Individuals should not be detained solely for the purpose of establishing his or her identity.
- C. IMMIGRATION HOLD, TRANSFER, AND NOTIFICATION REQUESTS:
1. The [NAME] County Sheriff's Department shall not respond to immigration hold, transfer or notification requests.
- D. CIVIL IMMIGRATION WARRANTS:
1. The [NAME] County Sheriff's Department shall not respond to any civil immigration warrants or ICE custody documents (I-200, I-203, I-205, and any listed in the National Crime Information Center Database (NCIC)) because these documents are not signed by a judge and are not based on a finding of probable cause for an alleged criminal law violation.
- E. ICE REQUESTS TO ACCESS [NAME] COUNTY'S INMATES, RECORDS & FACILITIES
1. Federal immigration authority shall not be given access to County facilities, records/databases, or individuals in County custody.
  2. County personnel shall not expend County time or resources responding to federal immigration authority inquiries or communicating with federal immigration authority regarding individuals' booking information, hearing dates, incarceration status, release dates, home addresses, or other contact information.

## F. EQUAL TREATMENT

1. Citizenship, immigration status, national origin, race, ethnicity, or the existence of an immigration hold, transfer or notification request shall have no bearing on an individual's treatment in the jail (including but not limited to classification status, eligibility for work programs, his or her eligibility for alternative to incarceration programs), his/her right to release on bail, or on decisions to initiate stops or make arrests.

## G. U VISA CERTIFICATION

1. The Victims of Trafficking and Violence Prevention Act (VTVPA) created the U Visa, a nonimmigrant visa for victims of certain crimes who have been, or are likely to be, helpful to law enforcement in the investigation or prosecution of a crime. The purpose of this is two-fold. First, it enhances law enforcement's ability to investigate and prosecute crimes. Second, it furthers humanitarian interests by protecting victims of crimes.
2. As part of the U Visa application, Congress designated certifying government agencies, including any local authority charged with investigating or prosecuting criminal activity, to complete and sign the Certification, known as the Form I-918B or Supp B. This certification provides an applicant the ability to apply for a U Visa, but does not guarantee that the U Visa will be granted.
3. The [NAME] County Sheriff's Department shall consider a certification request and sign the certification if the following elements are met: 1) the individual is a victim of a qualifying crime and 2) the individual has been helpful, is being helpful, or is likely to be helpful, in the investigation/prosecution of that crime.