

309 Processing Immigration and Customs Enforcement (ICE) Detainees			
Effective Date:	January 1, 2025	Rescinds: Amends:	All Prior
Distribution:	ALL PERSONNEL	Re-evaluation Date:	January 1, 2026
Related CALEA Standards:			

I. POLICY

The Los Alamos County Detention Center will make every reasonable effort to comply with Federal Regulation 8 CFR § 287.7(d). Without local/state criminal charges, or a valid warrant signed by a judge upon a determination of probable cause, The Los Alamos County Detention Center will not hold an alleged illegal alien on just an ICE Detainer.

II. PURPOSE

To make reasonable efforts to determine a detainee's legal status with ICE and upon release, arrange the transfer of any alien prisoners to ICE within a reasonable amount of time based on their eligibility to be released on all local/state charges.

III. DEFINITIONS

DHS – United States Department of Homeland Security

ICE – Immigration and Customs Enforcement

IAQ – Illegal Alien Query: A term used by DHS and ICE to designate a NCIC mask used by local law enforcement agencies to communicate with the federal government

NCIC – National Crime Information Center

Arrestee/Detainee – A person in the custody of a police officer who has not been transferred to housing at the Detention Center

Inmate – A person that is housed at the Detention Center

JMS - Computerized Jail Management System

IV. PROCEDURES

A. General

1. It is the policy of the Los Alamos Police Department and Detention Center to comply with the directives of Federal Regulation 8 CFR § 287.7(d).
2. The Los Alamos Police Department **will not hold any person without criminal charges on an immigration hold,** absent a signed warrant from a court of proper jurisdiction.
3. The term “ICE or immigration hold” is used only to show ICE’s intention to take custody of an individual. It does not imply any legal status.

B. Determining Resident Status

1. When an arrestee comes into the Los Alamos Detention Center, the booking officer will determine if the arrestee is foreign born. The booking officer will utilize any available information including the arrestee's verbal response to questions asked during pre-booking, NCIC/CCIC records, the arrestee's declaration regarding their country of birth, and any supporting documentation declaring citizenship.
2. If the booking officer is unable to determine citizenship or identity including unavailability of a social security number the booking officer shall scan a copy of the finger print cards completed during booking and send them off to an ICE officer in a local field office to compare against their records so that unknown arrestee can be identified.
3. In the event the arrestee is determined to be foreign born, the booking officer will complete and submit the IAQ mask to the law enforcement support center via NCIC. The booking officer will then request a printed copy of the IAQ mask from CDC and place it in the arrestee's file.
4. The booking officer will complete a "Detained Alien Status Inquiry Form" and fax it to the local ICE duty desk at their designated number. The booking officer will keep the confirmation of the fax and place it in the arrestee's file.
 - i. If the local ICE office faxes the "Detained Alien Status Inquiry Form" back to the Detention Center with the response of "No Hold," the form is placed in the arrestee's file. The arrestee is processed per existing policy without any ICE hold being entered into the JMS.
 - ii. If the local ICE office telephones the Detention Center in reference to the "Detained Alien Status Inquiry Form," they will ask to interview the arrestee. Based on the interview, the ICE agent will do one of the following:
 1. ICE will place an Immigration Detainer on the arrestee. The agent will then fax back a detainer formally requesting a hold. Officers will document the request from ICE in the inmate's JMS file once the detainer has been received. The booking officer will place the original detainer in the arrestee's file and follow procedure B.
 2. ICE will not place an Immigration Detainer on the arrestee. The agent will then fax back the "Detained Alien Status Inquiry Form" with a response at the bottom indicating there is no hold on the arrestee. The booking officer will then process the arrestee through normal booking procedures.
 - iii. If the ICE duty desk does not respond within an hour, the booking officer will telephone the ICE duty desk at their designated number. The booking officer will ask for confirmation of the Detained Alien Status Inquiry Form fax and will request a response to the inquiry.

C. JMS Procedure for Processing an Arrestee or Inmate with an ICE Hold

1. In the event ICE requests an Immigration Detainer on an arrestee or inmate:
 - i. Place a "Hold" for ICE in the Holds section of the JMS.
 - ii. Place a "Hold Charge" for ICE in the Charges section of the JMS.

- iii. Do not complete an adult arrestee DNA swab on an immigration detainer, unless the arrestee has local felony charges or warrants.

D. Posting Bonds for an Arrestee or Inmate with an ICE Hold

1. Arrestees and inmates are able to post bond on their criminal charges at any time, even with an ICE hold.
2. As soon as possible, ICE needs to be notified.
 - i. At the beginning of the discharge process, the officer will call the local ICE Duty Desk at their designated phone number and notify them that the arrestee/inmate is in the process of being released on a bond. The inmate will be discharged at the completion of the booking process without delay unless a signed warrant from a court of proper jurisdiction is received from the Ice Duty Desk.
 - ii. The officer will complete the bottom portion of the Detainer Form indicating the arrestee is ready for pickup, and fax it to the ICE Duty Desk at their designated fax number. The officer will keep the fax confirmation and place it in the arrestee's file.
3. Bonding Form procedure:
 - i. The officer will check the box on the "Bonding Form" that states the bond or fees shall be forfeited if the defendant is removed from the country due to the immigration hold.
4. If the local ICE officer cannot respond within the routine booking time:
 - i. The officer will fax the local ICE office, at their designated number, the original detainer noting that the arrestee/inmate has been released.
 - ii. The officer will make a note in the JMS that the local ICE office was unable to respond and pick up the arrestee/inmate within the normal processing period.
 - iii. The officer will release the arrestee/inmate through the normal release procedure.

E. Releasing an Arrestee or Inmate with an ICE hold When the Release Date is Known

1. The booking officer will verify the release dates of arrestees/inmates with ICE holds through the JMS.
 - i. As far in advance as possible, the booking officer will complete the bottom portion of the Detainer Form indicating the date and time the arrestee/inmate is ready for pickup and fax it to the ICE duty desk designated number. The officer will keep the fax confirmation and place it in the arrestee's/inmate's file.
 - ii. The booking officer will telephone the local ICE duty desk in advance of the arrestee's/inmate's date and time of release to confirm they are aware of the pending release. The officer will make a note in the JMS of this notification
 - iii. If the local ICE officer responds to pick up the arrestee/inmate, the officer will release the arrestee/inmate per standard release procedures.

- iv. If the local ICE officer cannot respond within the routine booking process:
 - 1. The officer will fax the local ICE office, at their designated number, the original detainer noting that the inmate/arrestee has been released.
 - 2. The officer will make a note in the JMS that the local ICE office was unable to respond and pick up the arrestee within the normal processing period.
 - 3. The officer will release the arrestee through the normal release procedure.

F. Releasing the Arrestee or Inmate with an ICE Hold When the Release is Unexpected

- 1. The first officer being made aware of the unexpected release of the arrestee/inmate with an ICE hold will:
 - i. Telephone the local ICE duty desk at their designated number as soon as possible and notify them of the imminent release.
 - 1. If the local ICE officer cannot respond within the routine booking process:
 - ◆ The officer will fax the local ICE office, at their designated number, the original detainer noting that the inmate/arrestee has been released.
 - ◆ The officer will make a note in the JMS that the local ICE office was unable to respond and pick up the arrestee/inmate within the normal processing period.
 - ◆ The officer will release the arrestee/inmate through the normal release procedure.
 - ii. If the local ICE officer can respond within the routine booking process, the officer will release the arrestee/inmate per standard release procedures.

Approved by:



Dino Sgambellone
Chief of Police

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