



MORGAN COUNTY SHERIFF'S OFFICE

Honor, Duty, Courage, Strength,
Service, Loyalty, Selflessness

Jim Crone, Sheriff

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MEMORANDUM

DATE: 06-18-2014

TO: All MCSO Staff

FROM: Sheriff Jim Crone

RE: "ICE Hold" Detainers

NOTE: This memo supersedes the "Revoking of Current "ICE Hold Detainers" dated 04-29-2014

Due to recent case law clearly outlining the legality of those prisoners within our facility on local charges (Municipal, County or District Courts) being held on federal detainers by Homeland Security Investigations, aka "ICE Holds", the Morgan County Sheriff's Office will no longer hold any prisoner based solely on federal detainers or administrative warrants.

No different than any other prisoner housed in this jail, no arrestee will be booked into, or housed in this jail, except under the following conditions;

- With a Warrant for the arrest of the prisoner signed by a Judge or Magistrate, issued by a Colorado Municipal, County, or District Court.
- With a Warrant for the arrest of the prisoner signed by a Judge or Magistrate, issued by a Municipal, County, or District Court outside the State of Colorado, **AND** when there has been agreement by the Court, County Sheriff of the County where the warrant was issued, and/or chief law enforcement officer having jurisdiction where the warrant was issued, to extradite the prisoner back to that state upon completion of lawful proceedings.
- With a Warrant for the arrest of the prisoner signed by a Federal Judge or Magistrate, issued by a Federal Court.
- With a properly completed and submitted Affidavit In Support of Warrantless Arrest.
- With a Mittimus or other Order signed by a Municipal, County, or District Court Judge in the State of Colorado committing, or ordering, the prisoner to jail.

Effective immediately, *I-247 Detainers or I-200 Administrative Warrants shall NOT be honored* by the Morgan County Sheriff's Office, *for purposes of holding a prisoner for any period of time upon their lawful release on existing charges as outlined above.*

When a prisoner who has an I-247 or I-200 on file (whether in the prisoner's file, duly noted within the charges section of their Jail Management System record, and/or the board in Master Control) is lawfully released from the custody of the Morgan County Jail on local charges (by posting bond, service of sentence and/or lawful order of the Court), that prisoner shall NOT be detained or held for any period of time and **shall be released forthwith**.

I-247 Detainers/I-200 Warrants may still be received from HSI and placed in the prisoner's file and duly noted within the charges section of their Jail Management System record, and/or the board in Master Control. When release of the prisoner becomes apparent, HSI will be notified forthwith, with an anticipated release date and time. However, once the prisoner is authorized/ordered for release, the prisoner shall be released forthwith, barring any other lawful holds.

If an HSI agent responds to the jail and upon lawful release of the prisoner from the custody of the Morgan County Jail, HSI may take custody of that prisoner. However, without demonstration of an arrest warrant issued by a Federal Judge/Magistrate/Court, that prisoner shall not be held within the confines of the Morgan County Jail.

In such cases, without delaying or hindering release of a prisoner who has been lawfully released from custody, the Morgan County Sheriff's Office will cooperate with any law enforcement agency, including Homeland Security Investigations, in administering lawful justice and maintaining public safety, while still protecting the rights afforded under the Constitution of the United States, and the Constitution and laws of the State of Colorado.

This memorandum shall be considered policy until such time as it is incorporated into the formal policies and procedure manual of the Morgan County Sheriff's Office, or unless otherwise revoked, superseded, or amended.

