



SEDGWICK COUNTY, KANSAS

SHERIFF'S OFFICE

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MEDIA RELEASE

FOR IMMEDIATE RELEASE

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The Sedgwick County Adult Detention Facility recently began a different practice for handling inmate detainers which are issued by the United States Immigration and Customs Enforcement (ICE), an agency of the Department of Homeland Security.

For inmates suspected by ICE of being in the country illegally, ICE has had a long standing policy to request that jails hold such inmates up to 48 hours (excluding Saturdays, Sundays and holidays) beyond the time their criminal charges are resolved in order to allow ICE time to take the person into custody. The Detention Facility is discontinuing the practice of honoring ICE requests to detain persons after their other holds are resolved. Currently, there are 18 inmates at the Detention Facility with ICE detainers.

In a case recently decided by the United States Court of Appeals Third Circuit, *Galarza v. Szalczyk*, 745 F.3d 634 (3rd Circuit 2014), the court found ICE detainers are not mandates to hold individuals but are mere requests from the federal agency. The court found the county operating the jail could be held civilly liable for detaining inmates when it was not required to do so.

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Although there is no similar binding case law for our jurisdiction, the Detention Facility wishes to be proactive and avoid potential risk of civil liability by revising its practice. No inmates were improperly held under the prior practice.

The Galarza case and similar cases have prompted other jails to review and revise their processes for handling ICE detainers. ICE documents confirm that detainers are requests, not mandates. Persons booked into the Detention Facility must have criminal charges alleged by the arresting agency. Persons are not accepted if they are being booked solely on the basis that ICE alleges the person is in the country illegally.

The Detention Facility will still enter ICE detainers on inmate records when ICE identifies inmates suspected of being in the country illegally; however, the detainers will not prevent the release of the inmate at the time the inmate makes bond or completes their sentence. Continued cooperation with ICE via the Secured Communities Program will continue. Detention staff will notify ICE at the time the inmate is being prepared for release as is done currently.

If ICE presents a warrant or court order requiring the inmate to be held in custody, the inmate will be held provided the document has been signed by a federal magistrate and is based on a finding of probable cause.

This change will reduce inmate population to some extent. The Detention Facility does not have sufficient beds to house all inmates committed to the Detention Facility. As a result, inmates must be housed at other nearby jails. Currently, expenditures for out of county housing are approximately \$2.5 million per year. ICE does not pay the costs of holding inmates in the Detention Facility.

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