GMS Application #: 2020-H7904-GA-DJ

INFORMATION REGARDING COMMUNICATION WITH DHS AND/OR ICE

(1) Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or Ice? Yes, WRPD and HCSO both do.

(2) Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1? Yes, WRPD and HCSO are subject to Georgia state laws.

(3) If yes to either:

- Please provide a copy of each law or policy (copies are attached);
- Please describe each practice (explanations in paragraphs below); and
- Please explain how the law, policy, or practice complies with section 1373 (explanations in paragraphs below).

The Warner Robins Police Department (WRPD) *General Order 92-09 Liaison* encourages department employees in the course of their duties to establish contact with various criminal justice agencies when such contact will aid either the criminal justice agency or the department. This would include communicating with DHS and ICE. The policy also addresses cooperative or joint police operations with criminal justice agencies and states that they are an important function for effective law enforcement. There isn't anything specific that addresses employees contacting DHS and/or ICE though, it just addresses liaising in general.

General Order 92-09 Liaison is in compliance with section 1373 as it does not prohibit or in any way restrict employees from sending or receiving from the Immigration and Naturalization Service (INS) information regarding the citizenship or immigration status, lawful or unlawful, of any resident; maintaining such information; or exchanging such information with any other Federal, State, or local government entity.

The Houston County Sheriff's Office (HCSO) has policies related to whether, when, or how employees may communicate with DHS and/or ICE. The policies (*1.22, 1.6, and emails*) are in

regards to personnel in the jail identifying foreign citizens admitted into the jail, checking for outstanding charges of persons in the jail, and communicating with DHS and/or ICE personnel.

HCSO Policies (*1.22, 1.6, and emails*) are in compliance with section 1373 as they do not prohibit or in any way restrict employees from sending or receiving from INS information regarding the citizenship or immigration status, lawful or unlawful, of any resident; maintaining such information; or exchanging such information with any other Federal, State, or local government entity.

The City of Warner Robins, WRPD, Houston County, and HCSO are subject to laws from the State of Georgia related to whether, when, or how employees may communicate with DHS and/or ICE. The laws are *OCGA 17-5-100 Investigation of Illegal Alien Status* and *OCGA 35-1-17 Local Law Enforcement Agencies to Enter into Agreements with Federal Agencies for the Enforcement of Immigration Laws*. The statutes state the actions WRPD officers and HCSO deputies can take in regards to investigating individuals suspected of committing a criminal violation including: seeking to verify a suspect's immigration status under certain conditions; detaining a suspected illegal alien; transporting a suspected illegal alien; and enforcing immigration laws of the state of Georgia and the United States. HCSO is also subject to *OCGA 42-4-14 "Illegal alien" defined; Determination of Nationality of Person Charged with Felony and Confined in a Jail Facility*. The statute states the actions HCSO deputies may take to determine the nationality of a person confined in the county jail.

OCGA 17-5-100, 35-1-17, and 42-4-14 are in compliance with section 1373 as they do not prohibit or in any way restrict employees from sending or receiving from INS information regarding the citizenship or immigration status, lawful or unlawful, of any resident; maintaining such information; or exchanging such information with any other Federal, State, or local government entity.

WARNER ROBINS POLICE DEPARTMENT

GENERAL ORDER

SUBJECT	SECTION CODE
LIAISON	92-09
DATE OF ISSUE	**EFFECTIVE DATE**
November 16, 1992	November 16, 1992
AMENDS	**CANCELS**
REFERENCE	**DISTRIBUTION**
	All Personnel

INDEX AS: Liaison with Criminal Justice Agencies
Liaison with other Law Enforcement Agencies
Liaison with the Warner Robins Fire Department
Referral Criteria
Public and Social Service Agencies

PURPOSE: To establish and maintain effective channels of communication between law enforcement and other appropriate agencies.

I. LIAISON WITH CRIMINAL JUSTICE AGENCIES

A. The goals and objectives of the Warner Robins Police Department can not be achieved without the assistance of all criminal justice agencies.

B. Assistance and cooperation can only be achieved by positive exchange with the local juvenile and adult courts, prosecutor, probation and parole, and adult and juvenile correctional agencies.

C. Department members are encouraged in the course of their duties to establish contact with various criminal justice agencies when such contact will aid either the criminal justice agency or the department.

II. LIAISON WITH LAW ENFORCEMENT AGENCIES

A. Cooperative or joint police operations are an important function for effective law enforcement, however, such undertakings can incur liabilities upon the officers, agencies and government involved.

B. The Warner Robins Police Department will assist outside agencies with warrant and summons service within our city, as well as conduct investigations outside our city of criminal acts that occurred within our city.

C. In situations where we assist or cooperate with law enforcement agencies in joint surveillance, stakeouts, vice or narcotics operations and enforcement action is likely, it will be with prior approval of the Chief of Police.

1. If the operation is one wherein no contact with suspects or enforcement action is anticipated or likely, then approval from Operations Division Commander will suffice.

2. If the assistance or cooperation is requested by an outside agency in fresh pursuit of a suspect within our city, nothing in this section shall preclude this enforcement action and no prior approval is required.

D. In addition, the Chief will meet monthly with law enforcement executives to exchange ideas of mutual interest.

III. LIAISON WITH WARNER ROBINS FIRE DEPARTMENT

A. Quarterly command staff meetings will be held with the Fire Department command staff to exchange information and coordinate public safety efforts. These meetings are supplemental to liaison in day to day operations.

IV. REFERRAL CRITERIA

A. Law enforcement officers, in the course of performing their duties, often encounter people in need of help that can be provided by another criminal justice agency or social service agency.

B. Exercising sound discretion based on one or more of the following criteria shall guide those in need of help to the appropriate agencies:

1. assessment of the subject's need through discussion or observation,

2. request by the subject or relative for specific assistance,

3. the necessity of immediate aid.

V. PUBLIC AND SOCIAL SERVICES AGENCIES

A. All officers will be issued a list of the various public and social service agencies available in Warner Robins to assist people in need of such services.

B. Officers are encouraged to familiarize themselves with these agencies and utilize their services when necessary.

EFFECTIVE DATE

The effective date of this order is November 16, 1992.

I have read the above order and fully understand it.

_____

Signature

_____

Date

HOUSTON COUNTY DETENTION FACILITY
POLICY AND PROCEDURE MANUAL

CHAPTER ADMISSIONS				POLICY NUMBER 1 . 22
TITLE ALIENS / DIGNITARIES			EFFECTIVE DATE	PAGE OF 1 2
NEW X AMENDS RECINDS	CHANGE	SOURCE GEORGIA JAIL STANDARDS	APPLICABLE STANDARD NUMBER N/A	
APPROVED BY H. Cullen Talton				DATE JUL 2 2 2002

I. POLICY

Aliens admitted to the Houston County Detention Facilitiy are to be positively identified and processed into the facility unless they are verified to be a consular or diplomat.

II. PROCEDURES:

A. Illegal/Legal Aliens

1. In the event a foreign citizen is admitted into the facility, the Intake Officer is to obtain at least one of following documents from the inmate:
   a. #194 (arrival/departure document). This form is to be provided to all aliens legally admitted into the United States.
   b. Passport indicating a visa was issued
   c. Permanent resident alien card (green card).

2. If the inmate does not produce a copy of these documents, or it verification of these documents is needed, the Sheriff's office is to call the Enforcement division of the Immigration and Naturalization Service (INS), in Atlanta, (404) 331-2762.

3. Aliens are to be admitted, classified, and housed in the same manner as other inmates.

B. Dignitaries

1. In the event a newly admitted inmate claims to be assigned to a foreign consulate, the Intake Officer is to obtain the inmate's personal identification.

2. **If the inmate is unable to produce the proper credentials or if verification is needed, the Intake Office is to call one of the following:**
   a. **U.S. department of State during working hours:**

Diplomats	**(202) 647-1404 or 647-1402**
Non-Diplomats	**(202) 647-1404 or 647-1406**
Consular	**(202) 647-1664 or 647-1604**
Others	**(202) 647-4004**

3. **Once the inmate's status is verified as a Consular Officer or as a Diplomat, he/she is to be immediately released.**

***Note: By treaty, consular Officers of foreign nations are immune from arrest for criminal and traffic offense unless so ordered by a federal magistrate. Consular immunity does not normally extend to members of officer's families or to employees of Consular Officers.**

HOUSTON COUNTY DETENTION FACILITY
POLICY AND PROCEDURE MANUAL

CHAPTER ADMISSIONS				POLICY NUMBER 1.6
TITLE WARRANT CHECK			EFFECTIVE DATE	PAGE OF 1 2
NEW X AMENDS RECINDS	CHANGE	SOURCE GEORGIA JAIL STANDARDS	APPLICABLE STANDARD NUMBER N/A	
APPROVED BY H. Cullen Talton				DATE JUL 2 2 2002

I. POLICY

A check is made of all inmates brought to the Houston County Detention Facility to ensure that no other outstanding charges exist.

A. WARRANT CHECK

1. Once an inmate has been admitted to the facility, the Intake Officer is to initiate a check for outstanding charges against the inmate. This check is to include a review of local warrants and the GCIC and NCIC.
2. If no open warrant is found in the local file, process the subject on that warrant and continue the booking process except as noted below.
   a. If the Sheriff's warrant number is not filled in, check the note line to see if the warrant has been turned over to the Sheriff's Office or the prosecutor. If the warrant has been turned over to the Sheriff's office, follow procedure above.
   b. If turned over to the prosecutor, a call will be made to that agency (see second page of warrant for the prosecutor line) to see how they want the Sheriff's office to process the warrant.

B. HOLDS/Q.W. CHECK

1. Any hold placed on an inmate will require a written request to be on file at the Detention Facility, via fax or GCIC message within 48 hours of the arrest to be valid.
2. No hold will be granted without sufficient reason.
   a. Warrant to be taken
   b. On going investigation/charges pending

c. As per instruction of the Shift Commander or higher authority.
d. Time to notify the probation/parole officer

C. When completing a QW (probation check) and the inmate is found to be on probation/parole follow these procedures.

1. Contact the office/officer having the probation/parole and ask if they want to place a hold on the inmate.
2. If the subject is arrested and/or brought to the facility after 2200 hours, a hold for probation/parole will be placed on the subject and the Shift Commander will be notified.
3. Hours of notification are 0800 hours to 2200 hours including weekends.
4. The Intake Release Supervisor or his designee will notify the subject's probation/parole officer for the need of the disposition of the hold.

*NOTE: Exception for parole hold as per Georgia Parole Board, board Policy 3.605.5. The parole officer must within the 72 hour period determine what action is to be taken.

From: Brian Blanton/houston
To: Alan Everidge/houston@houston, A Squad/houston@houston, B Squad/houston@houston, C Squad/houston@houston, dchousing/houston@houston

Date: Monday, March 03, 2014 02:29PM
Subject: follow up

Lieutenants,

As a follow up to the previous email:
If and inmate has misdemeanor or traffic charges and has a bond, notify ICE. If there has been no answer from them at the 2 (two) hour mark allow the inmate to post bond and go.

If the inmate has no bond and we've sent a detainer request but have not received one once a bond has been set allow the inmate to post bond and go. We can not hold the inmate suspecting/thinking/hoping ICE will place a detainer.

All correspondence with ICE agents should be in writing through email.

Lt. Brian Blanton
Operations Supervisor
Houston County Detention Center

From: Alan Everidge/houston
To: Beth Shafer/houston@houston, Brian Blanton/houston@Houston, Ron Brainard/houston@houston, Larry Phillips/houston@houston, isu/houston@houston, Larry Farmer/houston@houston, Margaret Hays/houston@houston, HCSO Transport/houston@houston, ne jail/houston@houston, Mike Stokes/houston@houston, A Squad/houston@houston, B Squad/houston@houston, C Squad/houston@houston, D Squad/houston@houston, Sarah Middlebrooks/houston@houston

Date: Tuesday, March 11, 2014 04:22PM
Subject: Bonding of persons with holds

Recently there have been issues with persons signing bonds of people we have in custody and the bondsman having been notified the defendant had a hold for ICE, or another law enforcement agency and after posting the bond the bonding agent going right off bond. I spoke with the Sheriff today and he advised this will not be allowed. I have attached a basic form that that whoever signs a bond on a defendant that has a hold for them shall sign stating they understand there is a hold and for what agency and that they cannot go off the bond merely because they are turned over to the agency which has the hold or detainer.

Please ensure that we use this form and that the person bonding understands the off bond.

Also there still seems to be some confusion about going off bond. There was an updated message that states the bondsman does not have to go to Warner Robins but we are to contact Captain Stokes to approve the off bond prior to the off bond being allowed for someone not in out custody. All other off bond procedures remain the same and we need to make sure a copy of the off bond form is forwarded to records with the paperwork where Capt Stokes will sign off on it.

(See attached file: Bond Acknowledgement.docx)

Probation/Parole/Immigration Holds

Alan Everidge to: A Squad, B Squad, C Squad, D Squad, David Carrick, George Horne, George Runyon, intake, dchousing, patrick.cole, scarter 09/11/2017 06:47 AM

Recently there has been some question about when a hold should be placed on a inmate being booked into the facility. As part of the booking process a QW is completed and if the person is on active probation or parole the QW request should show this information. As part of the booking process an attempt should be made to contact probation or parole officer. This attempt should be documented and copies of any message or fax that was sent. The inmate should complete the booking process. If the inmate has a bond they should be allowed to attempt to post bond. A hold cannot be placed until we are contacted either in writing or verbally for the hold to be placed. This information should be documented as well. If no warrant is received within 48 hours the hold is no longer active and if the inmate has a bond they should be allowed to attempt to bond. The 48 hour rule for a warrant starts as soon as we know the subject is on probation or parole. A inmate cannot be here 4 days and we had information they were on probation but did not attempt to contact or did not receive a call back then once they post bond, the 48 hour rule begin.

ICE holds once the person is started in the process their process should be completed and a notice sent to ICE if needed. The person can be allowed to post bond up until ICE places an official hold in writing. They are also required to send us an order with a number (Similar to Warrant Number) or their hold is not valid. If they are able to post bond before ICE places hold or nothing is received within the 48 hours and they are able to post bond, they should be released.

The 48 hour rule is just that, we cannot legally hold anyone without a warrant past the 48 hour period. The 48 hour period includes weekend and holidays.

Please be advised both Sentinel and DCS receive an email daily on new incarcerations and when they were arrested.

I hope this clears up any confusion, if you have any questions please do not hesitate to ask.

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments are intended for the exclusive use of the addressee(s) and may be confidential or privileged. If you are not the intended recipient, you do not have permission to read, print, copy or distribute this message or any attachments. If you have received this communication in error, please notify the sender by return e-mail or contact the sender if a phone number was provided and permanently delete this message and any attachments

Major Alan Everidge
Houston County Sheriff's Office
203 North Perry Parkway
Perry, Georgia 31069
478-218-4910
478-218-4905
aeveridge@houstoncountyga.org

From: Alan Everidge/houston
To: intake/houston@houston
Cc: A Squad/houston@houston, B Squad/houston@houston, C Squad/houston@houston, D Squad/houston@houston, David Carrick/houston@houston, housing@houstoncountyga.org

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Date: Thursday, February 15, 2018 06:15PM
Subject: Re: Ice Notification

We can notify by phone but must send something in writing as well as receive any requests in writing to be honored for hold. They must be allowed to post bond even if ice put hold. Once bond is placed a hold will only be allowed for 48 hours from time bond is posted

Also you cannot delay them posting bond just to wait on ice

If anyone has any questions please do not hesitate to ask

Maj E

Sent from my iPhone

On Feb 15, 2018, at 6:05 PM, intake <intake@houstoncountyga.org> wrote:

> Per Agent Philip Douglass-ICE Notifications
>
> Telephone notification is preferred for new arrivals and pick ups. Agents on call are available 24/7 at number 1-229-321-1631.

Document: O.C.G.A. § 17-5-100

O.C.G.A. § 17-5-100

Copy Citation

Current through the 2019 Regular Session of the General Assembly and HB 276 and HB 444 of the 2020 Regular Session of the General Assembly

GA - Official Code of Georgia Annotated TITLE 17. CRIMINAL PROCEDURE CHAPTER 5. SEARCHES AND SEIZURES ARTICLE 5. IMMIGRANTS

§ 17-5-100. Investigation of illegal alien status

(a) As used in this Code section, the term:

(1) "Criminal violation" means a violation of state or federal criminal law but shall not include a violation of a county or municipal law, regulation, or ordinance.

(2) "Illegal alien" means a person who is verified by the federal government to be present in the United States in violation of federal immigration law.

(b) Except as provided in subsection (f) of this Code section, during any investigation of a criminal suspect by a peace officer, when such officer has probable cause to believe that a suspect has committed a criminal violation, the officer shall be authorized to seek to verify such suspect's immigration status when the suspect is unable to provide one of the following:

(1) A secure and verifiable document as defined in Code Section 50-36-2;

(2) A valid Georgia driver's license;

(3) A valid Georgia identification card issued by the Department of Driver Services;

(4) If the entity requires proof of legal presence in the United States before issuance, any valid driver's license from a state or district of the United States or any valid identification document issued by the United States federal government;

(5) A document used in compliance with paragraph (2) of subsection (a) of Code Section 40-5-21; or

(6) Other information as to the suspect's identity that is sufficient to allow the peace officer to independently identify the suspect.

(c) When attempting to determine the immigration status of a suspect pursuant to subsection (b) of this Code section, a peace officer shall be authorized to use any reasonable means available to determine the immigration status of the suspect, including:

(1) Use of any authorized federal identification data base;

(2) Identification methods authorized by federal law, including those authorized by 8 U.S.C.A. Section 1373(c) and 8 U.S.C.A. Section 1644;

(3) Use of electronic fingerprint readers or similar devices; or

(4) Contacting an appropriate federal agency.

(d) A peace officer shall not consider race, color, or national origin in implementing the requirements of this Code section except to the extent permitted by the Constitutions of Georgia and of the United States.

(e) If during the course of the investigation into such suspect's identity, a peace officer receives verification that such suspect is an illegal alien, then such peace officer may take any action authorized by state and federal law, including, but not limited to, detaining such suspected illegal alien, securely transporting such suspect to any authorized federal or state detention facility, or notifying the United States Department of Homeland Security or successor agency. Nothing in this Code section shall be construed to hinder or prevent a peace officer or law enforcement agency from arresting or detaining any criminal suspect on other criminal charges.

(f) No person who in good faith contacts or has contact with a state or local peace officer or prosecuting attorney or member of the staff of a prosecuting attorney for the purpose of acting as a witness to a crime, to report criminal activity, or to seek assistance as a victim to a crime shall have his or her immigration status investigated based on such contact or based on information arising from such contact.

(g) A peace officer, prosecuting attorney, or government official or employee, acting in good faith to carry out any provision of this Code section, shall have immunity from damages or liability from such actions.

History

Code 1981, § 17-5-100, enacted by Ga. L. 2011, p. 794, § 8/HB 87; Ga. L. 2012, p. 775, § 17/HB 942.

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Document: O.C.G.A. § 35-1-17

O.C.G.A. § 35-1-17

Copy Citation

Current through the 2019 Regular Session of the General Assembly and HB 276 and HB 444 of the 2020 Regular Session of the General Assembly

GA - Official Code of Georgia Annotated TITLE 35. LAW ENFORCEMENT OFFICERS AND AGENCIES CHAPTER 1. GENERAL PROVISIONS

§ 35-1-17. Local law enforcement agencies to enter into agreements with federal agencies for the enforcement of immigration laws

(a) It is the intent of the General Assembly to encourage Georgia law enforcement officials to work in conjunction with federal immigration authorities and to utilize all resources made available by the federal government to assist state and local law enforcement officers in the enforcement of the immigration laws of this state and of the United States.

(b) Cooperation with federal authorities.

(1) To the extent authorized by federal law, state and local government employees, including law enforcement officers and prosecuting attorneys, shall be authorized to send, receive, and maintain information relating to the immigration status of any individual as reasonably needed for public safety purposes. Except as provided by federal law, such employees shall not be prohibited from receiving or maintaining information relating to the immigration status of any individual or sending or exchanging such information with other federal, state, or local governmental entities or employees for official public safety purposes.

(2) State and local agencies shall be authorized to enter into memorandums of understanding and agreements with the United States Department of Justice, the Department of Homeland Security, or any other federal agency for the purpose of enforcing federal immigration and customs laws and the detention, removal, and investigation of illegal aliens and the immigration status of any person in this state. A peace officer acting within the scope of his or her authority under any such memorandum of understanding, agreement, or other authorization from the federal government shall have the power to arrest, with probable cause, any person suspected of being an illegal alien.

(3) Except as provided by federal law, no state or local agency or department shall be prohibited from utilizing available federal resources, including data bases, equipment, grant funds, training, or participation in incentive programs for any public safety purpose related to the enforcement of state and federal immigration laws.

(4) When reasonably possible, applicable state agencies shall consider incentive programs and grant funding for the purpose of assisting and encouraging state and local agencies and departments to enter into agreements with federal entities and to utilize federal resources consistent with the provisions of this Code section.

(c) Authority to transport illegal aliens. If a state or local law enforcement officer has verification that a person is an illegal alien, then such officer shall be authorized to securely transport such illegal alien to a federal facility in this state or to any other temporary point of detention and to reasonably detain such illegal alien when authorized by federal law. Nothing in this Code section shall be construed to hinder or prevent a peace officer or law enforcement agency from arresting or detaining any criminal suspect on other criminal charges.

(d) Authority to arrest illegal aliens. When authorized by federal law, a state or local law enforcement officer shall be authorized to arrest any person based on such person's status as an illegal alien or for a violation of any federal immigration law.

(e) Immunity. A law enforcement officer or government official or employee, acting in good faith to enforce immigration laws pursuant to an agreement with federal authorities to collect or share immigration status information, or to carry out any provision of this Code section, shall have immunity from damages or liability from such actions.

History

Code 1981, § 35-1-17, enacted by Ga. L. 2011, p. 794, § 9/HB 87; Ga. L. 2012, p. 775, § 35/HB 942.

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Document: O.C.G.A. § 42-4-14

O.C.G.A. § 42-4-14

Copy Citation

Current through the 2019 Regular Session of the General Assembly and HB 276 and HB 444 of the 2020 Regular Session of the General Assembly

GA - Official Code of Georgia Annotated TITLE 42. PENAL INSTITUTIONS CHAPTER 4. JAILS ARTICLE 1. GENERAL PROVISIONS

§ 42-4-14. "Illegal alien" defined; determination of nationality of person charged with felony and confined in a jail facility

(a) As used in this Code section, the term "illegal alien" means a person who is verified by the federal government to be present in the United States in violation of federal immigration law.

(b) When any person is confined, for any period, in the jail of a county or municipality or a jail operated by a regional jail authority in compliance with Article 36 of the Vienna Convention on Consular Relations, a reasonable effort shall be made to determine the nationality of the person so confined.

(c) When any foreign national is confined, for any period, in a county or municipal jail, a reasonable effort shall be made to verify that such foreign national has been lawfully admitted to the United States and if lawfully admitted, that such lawful status has not expired. If verification of lawful status cannot be made from documents in the possession of the foreign national, verification shall be made within 48 hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security or other office or agency designated by the federal government. If the foreign national is determined to be an illegal alien, the keeper of the jail or other officer shall notify the United States Department of Homeland Security, or other office or agency designated for notification by the federal government.

(d) Nothing in this Code section shall be construed to deny a person bond or from being released from confinement when such person is otherwise eligible for release; provided, however, that upon verification that any person confined in a jail is an illegal alien, such person may be detained, arrested, and transported as authorized by state and federal law.

(e) The Georgia Sheriffs Association shall prepare and issue guidelines and procedures used to comply with the provisions of this Code section.

History

Code 1981, § 42-4-14, enacted by Ga. L. 2006, p. 105, § 5/SB 529; Ga. L. 2008, p. 1137, § 4/SB 350; Ga. L. 2009, p. 8, § 42/SB 46; Ga. L. 2009, p. 970, § 2/HB 2; Ga. L. 2011, p. 794, § 13/HB 87.

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