Immigration Violations Procedure

413.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines to members of the Sheriff's Office relating to immigration and interacting with federal immigration officials.

413.2 DETENTIONS

413.2.1 IDENTIFICATION

A deputy shall not inquire about a person's citizenship or immigration status.

(a) An individual shall not be contacted, questioned, delayed, detained, or arrested merely because s/he is suspected of violating immigration laws.

(b) Requesting adequate identification as part of a criminal investigation is necessary and appropriate. A deputy shall not, however, request specific documents relating to an individual's immigration status, such as a passport, alien registration card, or "green card."

1. If an individual is stopped for an offense involving a motor vehicle, it is appropriate to ask for a driver's license. If an individual fails to produce a valid driver's license or state identification card upon request as required by state law, it is not a violation of this policy to inquire whether the individual has any other form of identification, such as a MARCC Photo ID card or passport. A MARCC Photo ID card shall not be accepted in lieu of a valid driver's license, but may be used for the purpose of establishing an individual's identity during a detention or arrest and prior to booking in the Hamilton County Justice Center. All persons subject to arrest will be processed and fingerprinted at the Hamilton County Justice Center.

(c) The MARCC Photo ID card is an acceptable form of identification, and all employees of the Hamilton County Sheriff's Office shall accept the MARCC Photo ID card as a valid form of primary identification. To obtain a MARCC Photo ID card, an individual must complete an application with name, address, and birthdate, and submit one of the following: photo ID; birth certificate; proof of residence (utility bill, etc.), or if an individual is experiencing homelessness, a letter from a caseworker.

1. After submitting appropriate documentation, the individual pays for the MARCC Photo ID card and has their photo taken.

2. The MARCC Photo ID card is then sent to the physical address given by the applicant.

(d) Resources of the Court and Jail Services will be utilized to assist with the classification and with services required by all subjects during confinement (e.g. Consular Access and Notification).

(e) A supervisor shall contact the Language Bank (1-800-874-9426), or other agency or organization with similar services, for assistance in locating an interpreter should the need arise.

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(f) Employees of the Hamilton County Sheriff's Office will not respond to ICE detainers unless it is accompanied by a judicial warrant.

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