



**BUTLER COUNTY PRISON**  
**Butler, Pa**  
**POLICY & PROCEDURE**

**Section:** Processing-Release-Orientation

**Effective Date:** 9/19/14

**Title:** I.C.E. (Immigration and Customs Enforcement Agency) Detainers

**Chapter:** 2

**Document # 2.5**

**I. Purpose:** The purpose of this policy is to address the acceptance of I.C.E. Detainers in such a way as to comply with *Galarza v. Szalcczyk, No. 12-3991* in the U.S. Court of Appeals for the Third Circuit in which it was decided that I.C.E. detainers issued under 8 C.F.R. 287.7 are not mandatory orders, but merely non-binding requests.

**II. Policy:** It is the policy of the Butler County Prison to not accept I.C.E. detainers as the sole holding or committing authority of any inmate(s).

**III. Distribution:** This policy and procedure applies to all prison employees, administrative staff and treatment staff of the Butler County Prison.

**IV. Definitions:**

**I.C.E.-** The United States Immigration and Customs Enforcement.

**I.C.E. Detainer-** non-mandatory non-judicial requests issued by I.C.E. requesting that a law-enforcement agency or a jail/prison hold in custody a person for up to 48 hours, excluding weekends and federal holidays, after the person is otherwise entitled to be released from custody.

**V. Procedures:**

1. No employee of the Butler County Prison shall accept an "I.C.E. Detainer" as defined in this policy as the sole holding/committing authority for any inmate(s).
2. The Butler County Prison shall not detain any individual at the request of I.C.E. unless I.C.E. first presents the Butler County Prison with a judicially issued warrant or order authorizing such detention. In particular, the Butler County Prison shall not arrest, detain, or transport anyone solely on the basis of an I.C.E. detainer or an administrative immigration detainer.

3. Unless acting pursuant to a court order or a legitimate law enforcement purpose, that is unrelated to the enforcement of a civil immigration law, the Butler County Prison shall not permit I.C.E. agents access to prison facilities or to any person in custody for investigative interviews or other investigative purposes, or use on duty time or Butler County Prison resources responding to I.C.E. inquiries or communicating with I.C.E. regarding an inmate's custody status or release date.

**Warden**

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***Richard T. Shaffer,***

Reviewed Date: \_\_\_\_\_

Revised Date: \_\_\_\_\_

Adopted by the Butler County Prison Board: \_\_\_\_\_