
INTEROFFICE MEMORANDUM

TO: DISTRICT ATTORNEY FERMAN
FROM: NICOLE FORZATO (SENIOR ASSISTANT SOLICITOR – MONTGOMERY COUNTY)
SUBJECT: I.C.E. DETENTIONS
DATE: APRIL 28, 2014
CC: WARDEN JULIO ALGARIN

As we recently discussed, kindly be advised that in light of the recent Galarza v. Lehigh County case, Montgomery County Correctional Facility (hereinafter referred to as “MCCF”) has established a policy that it will not accept or hold anyone who has been brought into the facility on charges but who has satisfied the bail requirements on the charges. Importantly, MCCF will not hold the person for the up to 48hr period noted on 2010 ICE Detainer request form despite the fact that the form indicates that MCCF can do so.

Further, MCCF will not accept or hold anyone being brought to it solely on an ICE Detainer or possible ICE Detainer.

Please note that this policy is unrelated to 2012 Intergovernmental Service Agreement between the Department of Homeland Security, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations and the Montgomery County Correctional Facility- wherein persons are being transported by Federally authorized and identified ICE/ERO personnel to assure attendance through the administrative hearing process.

Should you have any questions or concerns, please do not hesitate to contact me.

G-001.1 Inmate Admissions (Cont'd): 10. Inmate Booking Procedures (Cont'd): e. Procedures (Cont'd): (c) (Cont'd): vi. If the prisoner is a Non-United States Citizen, the inmate will be advised of his/her right to have their nearest consular official notified. The consular officials will be given access to the inmate and will be allowed to provide consular assistance. (a) MCCF will not accept or hold any inmate that has been brought to the facility on charges but who has satisfied the bail requirements on these charges. MCCF will not hold the inmate for the 48 hr. period noted on the ICE Detainer request form despite the fact the form indicates that MCCF can do so. (b) MCCF will not accept or hold anyone being brought to it solely on an ICE Detainer or possible ICE Detainer. (c) Those detainees/inmates not affected by (a) and (b) are those individuals transported by federally authorized and identified ICE/ERO personnel that complies with the 2012 Intergovernmental Service Agreement between the Department of Homeland Security, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations and the Montgomery County Correctional Facility.