

TITLE ALIENS/DIGNITARIES		POLICY NUMBER 1.05 (A)	
DISTRIBUTION JAIL OPERATIONS DIVISION		EFFECTIVE DATE 08/01/2014	PAGE OF 1 2
X NEW AMEND RESCINDS	NUMBER N/A	SOURCE § 22 USC 254	APPLICABLE STANDARD NUMBER
APPROVED BY Sheriff XXXXX			DATE

I. POLICY

Aliens admitted to the jail shall be positively identified and processed into the facility unless verification of Consular Officer or diplomat status.

II. PROCEDURES

A. Illegal/Legal Aliens

1. When a suspected foreign national is admitted into the facility, the booking officer shall obtain at least one of the following documents from the inmate:
 - a) I-94 (arrival/Departure Document). This form is provided to all aliens legally admitted into the United States;
 - b) Passport indicating a visa was issued; or
 - c) Permanent Resident Alien Card (Green Card).
2. If the suspected foreign national does not produce a copy of one of these documents, or if verification of these documents is needed, the shift supervisor shall call the Law Enforcement Support Center (LESC) at [REDACTED], or the Enforcement Division of the Immigration and Customs Enforcement (ICE) in Atlanta at [REDACTED] (Refer to Policy 1.05(B)).

3. Foreign nationals shall be admitted, classified, and housed in the same manner as all other inmates.

B. Dignitaries

1. If a newly admitted inmate claims to be a consular officer or have diplomatic status, the jail officer shall obtain the inmate's personal identification.

2. If the inmate is unable to produce the proper credentials or verification of diplomatic status is needed, the jail officer shall call:

a) U.S. Department of State during working hours:

Diplomats [REDACTED]

Non-Diplomats [REDACTED]

Consular [REDACTED]

Others [REDACTED]

b) After normal hours the Command Center of the Office of Security U.S. Department of State:

[REDACTED]

[REDACTED]

3. Once the inmate's status is verified as a consular officer or diplomat, he shall be immediately released.

NOTE: by treaty, consular officers of foreign nations are immune from arrest for criminal and traffic offenses 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.

Refer to federal publication Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities revised 2015, for further information.

TITLE ALIENS - NATIONALITY AND LAWFUL STATUS		POLICY NUMBER 1.05 (B)	
DISTRIBUTION JAIL OPERATIONS DIVISION		EFFECTIVE DATE 08/01/2014	PAGE OF 1 3
X NEW AMEND RESCINDS	NUMBER N/A	SOURCE Georgia Jail Standards OCGA § 42-4-14; OCGA § 17-4-62	APPLICABLE STANDARD NUMBER
APPROVED BY Sheriff XXXXX			DATE

I. POLICY

The jail shall strictly comply with O.C.G.A. § 42-4-14 regarding suspected illegal foreign nationals. This statute states the following:

- A. The jail must make a reasonable effort to determine the nationality of persons when such person is confined in the jail for any period of time.
- B. If the jail identifies the inmate as a foreign national, the sheriff or his designee shall make a reasonable effort to determine if the inmate has been lawfully admitted into the United States, and if lawfully admitted, that such lawful status has not expired.
- C. If the verification of lawful status cannot be determined using documents in possession of the inmate, 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.
- D. If it is determined the inmate is in the United States illegally, the sheriff or designee shall notify the United States Department of Homeland Security.
- E. No person shall be denied bond or the opportunity to be released from custody solely on the basis of this law. Unless the jail receives a valid notification of pending charges from the United States Department of Homeland Security or another agency, the inmate will be eligible for release from custody pursuant to the jail's release policy. (Refer to policy 1.18)

F. Persons who are held pursuant to an ICE detainer or warrant not signed by a federal judge or magistrate, will not be detained longer than 48 hours following the time the person is otherwise eligible for release from custody. Immigration warrants signed by a federal judge or magistrate will be honored like any other valid arrest warrant.

II. PROCEDURES

A. Foreign nationals shall be admitted to the jail pursuant to admissions procedures. (Refer to policy 1.07) (This includes the person's name, DOB, SSN, nationality, medical, mental health, address, height, weight, emergency notification, etc.)

B. If there is a language barrier between jail staff and the inmate, an interpreter must be contacted to assist with the booking and identification process.

C. The booking jail officer shall determine the nationality of each arrestee received by the jail. If jail staff suspects the inmate is a foreign national, jail staff will ask the inmate to provide documentation that he/she lawfully entered the United States, and that such lawful status is still valid.

D. If the inmate is unable to provide documentation indicating their lawful status, jail staff shall contact the U.S. Immigration and Customs Enforcement Law Enforcement Support Center to determine the inmate's lawful status in the United States.

1. Queries to the LESC can be made through NLETS using a query code of "IAQ". These types of queries ask for the person's name, DOB, offense code, and place of birth (POB).
2. If the POB is unknown, use "XX".
3. Under offense code, use the UCR code for the offense, or use "399", which is a general immigration offense National Incident Based Reporting System (NIBRS) code.
4. Typically, a response is received within 2 hours.
5. If additional guidance for making such an inquiry is necessary, contact the LESC at [REDACTED].

E. Possible LESC responses include the inmate may be here unlawfully, the inmate has been identified for deportation, or “No Match” (which indicates the inmate may or may not be in the United States unlawfully.) One type response includes a message to contact the LESC for instructions on getting a detainer for the inmate.

F. If the inmate is still in custody upon receiving this type of response, the inmate should not be released until after contacting the LESC at the number provided in the response for further directions from the LESC. If the inmate has already been released prior to such notification from LESC, advise LESC of this fact.

G. Responses of illegal status are automatically forwarded to the local Immigration and Customs Enforcement Office by the LESC. During regular business hours, the local office should contact the jail. After regular business hours, contact the Atlanta ICE office at [REDACTED] to report the person as an illegal alien. The number is staffed by ICE 0600 – 2200 Hours daily. Inmates who the jail suspects to be illegal aliens shall not be detained solely because the after hours number is not available.

H. Inmates identified as illegal aliens should not be detained on the basis of being an illegal alien, unless the LESC or the local ICE office specifically provides written instructions for detaining the inmate as an illegal alien. The existence of an arrest warrant must be verified with ICE within 24 hours of the placement of the detainer. (Refer to Policy 1.06)

I. Inmates will be held no longer than 48 hours pursuant to an immigration detainer, or an immigration warrant, unless such warrant is signed by a federal judge or federal magistrate. Immigration warrants signed by any immigration official other than a federal judge or federal magistrate will be treated as a detainer. If an immigration warrant signed by a federal judge or federal magistrate is not received within 48 hours, or ICE officials do not take custody of the inmate within 48 hours, the inmate will be eligible for release from the jail’s custody pursuant to Warrants Check Policy 1.06 and Release Policy 1.18.

J. Suspected illegal foreign nationals with ICE detainers older that 48 hours shall not be released from custody without prior supervisor approval.

K. This procedure does not relieve the jail of the requirement to notify the appropriate consulate of foreign nationals as outlined in the aliens/dignitaries policy.

L. Maintain a record of all communication with ICE, including NLETS queries, letters, faxes, phone conversations, etc. in the inmate's file.