



Benny N. Napoleon  
*Wayne County Sheriff*

## MEMORANDUM

TO: All Wayne County Sheriff's Office Personnel

FROM: Benny N. Napoleon, SHERIFF

DATE: April 28, 2017

RE: **IMMIGRATION DETAINER – NOTICE OF ACTION** **COJAC 17-04**

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Recent court decisions have raised Constitutional concerns regarding the enforcement of Immigration Detainer – Notice of Action (IDNA). As such, effective immediately members of the Wayne County Sheriff's Office **shall not** honor any IDNAs from the Immigration and Custom Enforcement Agency, Department of Homeland Security (ICE), unless **ONE** of the following conditions is met:

- Written Judicial Determination of Probable Cause (PCD) for that detainee; or
- A warrant from a Judicial Officer

Unless one of the two above conditions are met, the Wayne County Sheriff's Office will not honor IDNAs, and members shall not extend custody of an individual (inmate) beyond the original booking and detention periods of the original charge and bail. In the event that a member of the Wayne County Sheriff's Office believes he/she has an inmate or arrestee that meets one of the stated conditions, the employee shall immediately notify their respective Commander for direction. The commander will make certain that members are properly instructed and confirm that the IDNA is not honored, under any circumstance, without prior approval of the Chief or deputy chief in the chief's absence.

Accordingly, a subject may be detained for ICE only when accompanied by a warrant issued by a federal judge or magistrate. An administrative warrant issued by an ICE official may not be used to detain a subject.

The Wayne County Sheriff's Office will continue to work with all state, local and federal law enforcement agencies, and will continue to provide professional service to the citizens of Wayne County regardless of their immigration status in the United States.

  
Benny N. Napoleon  
SHERIFF