

**CLARK SHERIFF COUNTY'S OFFICE  
WRITTEN DIRECTIVE**

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NEW ORDER **XX**                      ADDENDUM                      REVISION                      NUMBER: **14-25G**

OPERATIONAL ORDER **XX**                      SPECIAL ORDER                      PERSONNEL ORDER

DATE ISSUED                      EFFECTIVE DATE                      CANCELLATION DATE  
**April 30, 2014**                      **April 30, 2014**

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TO:                      **All Sheriff's Office Employees**

WRITTEN BY:                      **Chief Jail Deputy Ric Bishop, 3119**

AUTHORIZED BY: **Undersheriff Joe Dunegan**

SUBJECT:                      **Discontinued Use of Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) Detainers (Form I-247)**

REFERENCE/                      **General Order 05.10.010 and PRO 05.10.080(4) Federal Detainer Exemptions – DHS ICE Detainer Form I-247**

PURPOSE:                      **Compliance with Miranda-Olivares v. Clackamas County US District Court – District of Oregon Case No. 3:12-cv-02317-ST**

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**As a result of the recent court decision Miranda-Olivares v. Clackamas County US District Court – District of Oregon Case No. 3:12-cv-02317-ST, and upon review of legal counsel, the Clark County Sheriff's Office shall cease to hold individuals in custody when the only authority is a request from DHS ICE in the form of a detainer. Absent a warrant or local legal charge, DHS ICE shall provide an affidavit of Probable Cause to show sufficient legal basis for a prisoner to be held at any Clark County Sheriff's Office jail facility. Just like any other arrest based upon Probable Cause, approval of the probable cause affidavit must be made by a judicial officer before the inmate has been in custody for 48 hours. If no such approval occurs, the inmate must be released. Before release, the Jail Command Duty Officer and DHS ICE shall be notified by the jail duty supervisor.**

**No DHS ICE Probable Cause statement form will be accepted unless first being approved by the Sheriff or his designee. Once approved, an example of the approved form will be made available to staff as an example for future processing.**

**Records staff will immediately remove all DHS ICE detainers that are based solely on DHS ICE form I-247.**