



*Maricopa County Sheriff's Office*  
*Paul Penzone, Sheriff*

# NEWSRelease

**For Release:** February 24, 1017 **CONTACT:** [mediarequest@mcsso.maricopa.gov](mailto:mediarequest@mcsso.maricopa.gov)

## **STATEMENT FROM SHERIFF PAUL PENZONE REGARDING ICE DETAINERS**

On February 17<sup>th</sup>, I announced the change in policy in response to legal and constitutional challenges of "courtesy holds" on behalf of Immigration and Customs Enforcement. This change was made consistent with the commitment of my Office to be a constitutional and law abiding Sheriff.

Upon ordering the change in policy, I committed to identify methods to facilitate enforcement operations of State and Federal law enforcement agencies. MCSO continued the practice of permitting ICE Agents to take part in the initial processing of all detainees to determine origin of citizenship.

To act as a responsible law enforcement partner we immediately established new protocols regarding notification of detainees of interest by ICE. When MCSO jail personnel receive notice from the court to process inmates for release, we immediately notify ICE Agents. This notification usually occurs 5-7 hours prior to completion of the release process. We again notify ICE 15 minutes prior to the completion of the release process. This practice was intended to facilitate the opportunity for ICE to detain individuals as they were released from our custody.

Although we continued to communicate with ICE, we also prioritized research for options to address concerns regarding public safety and the safety of ICE agents. We met with ICE leadership to determine an acceptable solution to facilitate transfer of detainees. I requested a legal review by Bill Montgomery and the MCAO to ensure our practice would be legal and constitutional.

**This afternoon I was advised it is within our legal authority to permit the transfer of custody of individuals who are deemed in violation of federal immigration law to ICE Agents inside the Maricopa County Jail facilities.**

Following the consistent practice of notification, ICE will be responsible to respond to the appropriate MCSO detention center prior to the completion of the release process. Upon transfer of custody at the conclusion of release detention, the detainee will become the responsibility of ICE and will be immediately transferred from Maricopa County Jails to a detention center under ICE's authority. MCSO will not detain individuals beyond the legal limit and conclusion of their release process. Should ICE fail to respond prior to completion of the process, we will be legally obligated to release them consistent with the court's order.

The priority of my office has and will continue to be on enforcing the law while promoting public safety. It is both responsible and appropriate for the Maricopa County Sheriff's Office to identify a method for the safe transfer of detainees from our custody to ICE. This action also enhances safety for the detainees and our community as it will mitigate any potential for violence on our streets or against other law enforcement officials.

Although we have agreed on a policy and protocols to facilitate custodial transfers, custodial transfers of detainees for immigration violations will be dependent on ICE's ability to be present and prepared for the custody exchange. This agreement will commence immediately and a formal written agreement is pending.

It is still my hope that we will have thoughtful, responsible dialogue with the Secretary of the Department of Homeland Security and my law enforcement partners to identify constitutional, legal and safe methods to enforce the law while respecting the individual authority of our agencies and our communities.

Consistent with the urgency and actions of my office when announcing the policy change last Friday, I am notifying this community of our intentions and initiating the change in our policy immediately. It is my hope this action will promote public safety and a sense of enhanced safety for our community. I will continue to be a thoughtful partner with State and Federal agencies to identify solutions for the best interest of our common goals. This will always be done with an unwavering commitment to ethics, integrity and professionalism.

**MEDIA NOTE:**

- Sheriff Penzone is not available for interviews on this subject this weekend.
- POOL video, still photos, and audio of the MCSO intake process are available through the media organizations identified in our February 22, 2017 release. No new photo opportunities will be available inside the jail.

**For More Information Contact:**

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