

- (3) **Before the physical release of any prisoner, the control jailor must:**
 - (a) Obtain authorization from the DOCR Records Section staff that the prisoner may be released from the holding facility or if the prisoner must be returned to the DOCR; and
 - (b) Conduct a wanted check through the METERS/NCIC and local computer systems on each prisoner.
- (4) When a prisoner is released, the control jailor is responsible for completing the Release from Commitment Form (MCSO142) with all release documentation attached. The MCSO142 will be maintained with the Daily Confinement Record.
- (5) If the prisoner is in the custody of outside agency personnel, those officers are responsible for the release of their prisoner. The control jailor must keep a copy of any court documents received and record any information provided by the officers on the Daily Confinement Record.

D. Release of Prisoners with Immigration and Customs Enforcement (ICE) Detainers

When a prisoner is transported to a Sheriff's Office Holding Facility and the Control Jailor receives confirmation of an ICE detainer, the Control Jailor must take the following steps:

- (1) Assess the likelihood of the prisoner's release. If a release is unlikely, no further action is required.
- (2) For prisoners who are likely to be released, the Control Jailor must contact ICE regarding the possible release. The Control Jailor must ***advise ICE that the prisoner will not be held beyond their State law release date unless MCSO receives an ICE detainer accompanied by a Judicial arrest warrant; or information provided with the detainer form establishes probable cause to believe that the prisoner has committed a crime. Illegal presence in the United States is a civil offense and does not provide a clear basis for continued detention.***
 - (a) If the prisoner is to be released, the Control Jailor must again contact ICE ***and advise them of the pending release.***
 - (b) The Control Jailor must provide the prisoner a copy of ***any ICE detainer received by MCSO.***
 - (c) The Control Jailor must complete the (MCSO142) Adult Release from Confinement form for adult prisoner releases and the (MCSO142A) Juvenile Release from Confinement form for Juvenile releases.
 - (d) If the prisoner is not released from custody, the Control Jailor must contact ICE and advise that the prisoner is being returned to the appropriate correctional facility.
 - (e) ***Control Jailors should consult a supervisor the rank of Lieutenant or above when questions arise regarding a prisoner's status.***