



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

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PROPOSED ORDINANCE AMENDMENT

COB #316283

AN AMENDMENT TO POLICY FOR RESPONDING TO ICE DETAINERS

Submitting a Proposed Ordinance Amendment sponsored by Timothy O. Schneider, Elizabeth “Liz” Doody Gorman and Gregg Goslin, County Commissioners.

Sec. 46-37. Policy for responding to ICE detainees.

(a) The Sheriff of Cook County shall decline ICE detainer requests unless there is a written agreement with the federal government by which all costs incurred by Cook County in complying with the ICE detainer shall be reimbursed or the individual referenced in the detainer:

(1) Has been charged with:

(A) A felony which is a “forcible felony” in Illinois, or the equivalent under the law of any other jurisdiction, as defined in 720 ILCS 5/2-8 treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability; or

(B) A Class 2 felony or greater offense under the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq., the Cannabis Control Act, 720 ILCS 550/1 et seq., or the Methamphetamine Control and Community Protection Act, 720 ILCS 646/1 et seq., or the equivalent under the law of any other jurisdiction; or

(C) A felony offense under the Illinois Compiled Statutes resulting in the death, great bodily harm or permanent disability or disfigurement of any individual; or

(2) Is listed on the Terrorist Identities Datamart Environment (TIDE)

(b) Unless ICE agents have a criminal warrant, or County officials have examined the individuals criminal history and believe the individual is eligible to have his detainer honored pursuant to 46-37(a), ICE agents shall not be given access to individuals or allowed to use County facilities for investigative interviews or other purposes, and County personnel shall not expend their time responding to ICE inquiries or communicating with ICE regarding individuals’ incarceration status or release dates while on duty.

(c) There being no legal authority upon which the federal government may compel an expenditure of County resources to comply with an ICE detainer issued pursuant to 8 USC § 1226 or 8 USC § 1357(d), there shall be no expenditure of any County resources or effort by on-duty County personnel for this purpose, except as expressly provided within this Ordinance.

(d) Any person who alleges a violation of this Ordinance may file a written complaint for investigation with the Cook County Sheriff's Office of Professional Review.

(e) Nothing in this Section shall prohibit, or be construed as prohibiting the Sheriff of Cook County from identifying and reporting any person pursuant to State and federal law or regulation who is in custody after being booked for the alleged commission of a felony and is suspected of violating the civil provisions of the immigration laws. In addition, nothing in this Section shall preclude any County department, agency, officer, or employee from (a) reporting information to ICE regarding an individual who has been booked at any county jail facility, and who has previously been convicted of a felony under the laws of the State of Illinois; (b) cooperating with an ICE request for information regarding an individual who has been convicted of a felony committed in violation of the laws of the State of Illinois; or (c) reporting information as required by federal or state statute, regarding an individual who has been convicted of a felony committed in violation of the laws of the State of Illinois.

Effective Date: This Ordinance Amendment shall be in effect immediately upon adoption.