

COUNTY OF NORTHAMPTON

Executive Orders

EXECUTIVE ORDER 20-28

WHEREAS, preserving public safety and adhering to the rule of law are two of our values enshrined in our County Seal – Mercy and Justice; and

WHEREAS, to that end the following policy shall be in effect for persons in our country illegally and have either been arrested on suspicion of or adjudicated guilty of a state criminal violation; and

WHEREAS, this policy is being drafted to protect the public from potentially violent interactions with persons not lawfully in our country and to adhere to basic civil rights which have made our nation great since the founding of the Republic; and

WHEREAS, any person not lawfully in our country and who has been accused of or adjudicated guilty of a state criminal law violation will be held for an additional 48 hours after a Judge of the Court of Common Pleas has relinquished jurisdiction of the state case, if and only if, the Sheriff, County of Northampton, and the Department of Corrections, County of Northampton, are in the physical possession of an Immigration and Customs Enforcement, (hereinafter "I.C.E."), detainer at the time the Judge of the Court of Common Pleas releases the person not lawfully in our country; and

WHEREAS, if the Sheriff and the Department of Corrections are not in physical possession of the I.C.E. detainer that person will be free to go; and

WHEREAS, if the Sheriff and Department of Corrections are in possession of a detainer, they will detain said person, not legally residing in this country, for 48 hours; and

WHEREAS, if during that 48 hours a representative of I.C.E. appears either in court or at the jail with a warrant signed by a Federal Judge or Federal Magistrate, the person residing in county custody shall be remanded into the custody of the representative of I.C.E.; and

WHEREAS, no person who resides unlawfully in our country, who is detained during the 48 hour period, or at any other time during their period of incarceration, will be remanded into I.C.E. custody without the aforementioned warrant. At the expiration of the 48 hours, the person will be released subject to the terms of the Order originally issued by the Court of Common Pleas.

NOW, THEREFORE, it is hereby ordered and decreed that said Executive Order be issued.



Lamont G. McClure
County Executive

March 3, 2020

Distribution: Administration
Controller
Corrections
Council
District Attorney
Fiscal
Procurement
Sheriff
Solicitor