



Louisville Metro Department of Corrections

DEPARTMENTAL POLICY

01-5.08	Federal Detainers/Holds/Federal Authority/Federal Remand
LMG Personnel Policies:	
Kentucky Statutes: KRS 440.450	
Kentucky Regulations:	
ACA Standards:	
Other Applicable Sources: 8 CFR § 287.7; LMCO §39.002(B)	
Effective Date: 08/09/2025	Supersedes: 01/12/25

I. PURPOSE

Louisville Metro Department of Corrections (LMDC) shall comply and adhere to the jurisdictional processing procedures for Military – AWOL and federal prisoners and shall appropriately submit notification of outstanding court dates and/or subsequent holds.

II. DEFINITIONS

DHS Form I-247A: Department of Homeland Security Immigration Detainer – Notice of Action

Federal Remand: A legal document used to place a federal prisoner in the custody of LMDC.

Jail Management System (JMS): Computerized record keeping system utilized by the Department.

Military – AWOL: A person enlisted in the military service who is absent without authorized leave.

Senior Corrections Technician (SCT): Departmental staff designated to work in the Records and Information Section.

Time Stamped: The current/actual time and date that is recorded on documents as they are received to ensure accurate and timely processing.

III. POLICY

A. Military AWOL

1. LMDC shall accept custody of a prisoner charged with AWOL from any branch of the military and process the paperwork as any other arrest.
2. If the prisoner has pending charges, they shall be processed in the normal manner. All pending charges shall be emailed to District Court.
3. Records Staff shall notify the appropriate military branch of the inmate in custody regarding an AWOL offense. The inmate shall be released to the military authority, only after local charges have reached disposition or releases on local charges have been received. Records must receive necessary paperwork from the military or an NCIC confirmation is noted that the inmate is AWOL. The charge shall be "Military Deserter" and shall be entered into the JMS.
4. "HOLD AWOL" shall be entered in the description area along with the military branch of service.
5. All military agencies shall be indicated in the booking codes.

B. Federal Criminal Detainers

1. There shall be legal documentation ordering a “HOLD” to be placed on any prisoner being held for federal authorities. A citation shall not be necessary and LMDC Records Staff shall process the detainer in the following manner:
 - a. All copies of the detainer shall be signed and dated in the space provided.
 - b. The detainer shall be booked in the JMS as “Hold Federal Detainer” and the information shall be noted on the outside of the inmate’s record folder.
 - c. The original shall be filed in the inmate’s record folder. The copy marked “prisoner” shall be provided to the inmate escort or mailed to the U.S. Marshal’s Service.
 - d. “Need Federal Writ and Executive Order” shall be placed on the outside of inmate’s folder.
 - e. When the Writ and Executive Order is received, “Have Writ and Order” shall be written on the outside of the inmate’s folder in red ink, along with the date, time and the SCT initials receiving the Writ/Executive Order.
 - f. All Federal Agencies must be notified by phone or fax/e-mail by the SCT who processes the last local charge. The SCT will note on the outside of the folder the date/time and who was contacted. If the inmate has not been picked up a supervisor shall be notified, and the agency shall be contacted again for pick up.
2. In the event a federal detainer is placed on an inmate who is a participant on the Home Incarceration Program (HIP), Work Release or Day Reporting Center (DRC), Records Staff shall notify the sentencing court of the detainer as soon as practicable. In the event the sentencing court cannot be determined, Records Staff shall notify the Director of the Criminal Division of the County Attorney’s Office and the First Assistant to the Commonwealth’s Attorney.
3. The appropriate federal agency shall be notified the inmate is a participant on HIP, Work Release or DRC.
4. That federal agency shall be responsible for detaining and returning the inmate to custody.

C. Federal Remand/Federal Prisoners

1. A Remand shall be completed by the arresting federal agent and contain the prisoner’s name, date of entry into custody and signature of the agent. The Remand does not require an arrest citation.
2. Record’s Staff shall process the paperwork on all federal prisoners. A label shall be printed and placed on the folder, along with the designated housing area. The Booking Arrest Report and the Remand shall be time-stamped. Several inmates may be listed on one (1) Remand. There shall be copies placed in each inmate’s folder.
3. The Booking Arrest Report and one (1) copy of the Remand shall be placed in the Record’s folder and a copy mailed to the U.S. Marshal’s Service.
4. If a prisoner is a “Federal In-transit” and must be escorted to the hospital or outside the facility, the U.S. Marshal’s Service shall be notified. All federal prisoners transported outside the facility shall be escorted by the federal authorities unless a life-threatening situation exists.
5. All Federal Agencies must be notified by phone or fax/e-mail by the SCT who processes the last local charge. The SCT will note on the outside of the folder the date/time and who was contacted. If the inmate has not been picked up a supervisor shall be notified, and the agency shall be contacted again for pick up.

D. Secret Service/FBI/DEA/ATF

LMDC shall receive inmates with charges placed by federal authorities (Secret Service; Federal Bureau of Investigation {FBI}; Drug Enforcement Administration {DEA}; Postal Authority; and Alcohol, Tobacco, and Firearm Agents {ATF}). An arrest citation shall not be necessary when a person is

arrested on federal charges. If there are state charges, the code shall be entered first, then a Federal Detainer shall be placed as a hold for the U.S. Marshal's Service.

1. A Federal Remand must be completed and signed by the arresting Federal Agent, or Records must have an NCIC confirmation stating the inmate is a wanted person by federal authorities. A notation of the date, time, who was contacted and the SCT initials shall be written on the inmate's folder when the agency is called.
2. Paperwork shall be processed through Booking prior to being forwarded to Records. Booking shall place a "HOLD for Federal Authority" in the description of the arrest. Booking shall enter NCIC Hold/(Agency name) or NCIC confirmation when booking Federal Charges on NCIC confirmation. This charge information shall be entered into the JMS on the Charge Screen. An inmate label shall be printed and placed on the inmate folder including the inmate's housing location.
3. The Booking Report and Remand shall be time-stamped and placed in the inmate's record folder. A copy of the Remand shall be mailed or faxed/emailed to the U.S. Marshal's Service. The U. S. Marshal's Service shall be billed monthly for federal inmates.
4. The Secret Service, FBI, DEA and ATF shall transport the prisoner to court for the first court appearance after the arrest. The U.S. Marshal's Service shall transport on any other court dates.
 - a. Another Remand or letter of release must be completed by the U.S. Marshal's Service before a federal inmate is released to the U.S. Marshal Service or released from custody.
 - b. If a federal prisoner receives additional state charges, the state court must issue a Writ. Records shall provide notice of any "holds" to the appropriate Federal Agency. A copy of the Writ shall be placed in the inmate's folder and "Have Writ" shall be written (in red) on the outside of the Records folder with the date and the initials of SCT.
5. All Federal Agencies must be notified by phone or fax/e-mail by the SCT who processes the last local charge. The SCT will note on the outside of the folder the date/time and who was contacted. If the inmate has not been picked up a supervisor shall be notified, and the agency shall be contacted again for pick up.

E. Federal Court Docket

A Federal Court List shall be utilized to process a federal prisoner for their appearance in Federal Court.

1. The U.S. Marshal's Service shall notify Records one (1) day prior to the court appearance.
2. The prisoner's name and housing location shall be listed on the handwritten sheet along with the date and court time. "HOLDS" are placed on the sheet, if appropriate and the sheet is located at the Circuit Court Desk.
3. If a federal prisoner is in Federal Court, the U.S. Marshal's Service shall be notified of any state charges pending upon arrival to transport the prisoner.
4. The same form shall be used for federal prisoners being transferred from the custody of LMDC to another agency.
5. If the inmate is first arrested on state charges, the U.S. Marshal's Service must provide LMDC Records a "Writ and an Executive Order" from the Kentucky Governor's Office before the U.S. Marshal's Service can transport the inmate to Federal Court or to another facility. All state charges including charges from other Kentucky counties must be resolved before an inmate can become a federal prisoner on federal hold status.
6. All Federal Agencies must be notified by phone or fax/e-mail by the SCT who processes the last local charge. The SCT will note on the outside of the folder the date/time and who was contacted. If the inmate has not been picked up a supervisor shall be notified, and the agency shall be contacted again for pick up.

F. Immigration Detainers

It is the policy of LMDC, upon notice and receipt of a signed DHS Form I-247A (“immigration detainer”) and either 1) a signed DHS Warrant For Arrest of Alien (DHS Form I-200A); or 2) a signed Warrant of Removal/Deportation (DHS Form I-205) from Immigration and Customs Enforcement (“ICE”), to facilitate the release of inmates to the custody of ICE by holding the inmate no more than 48 hours after the inmate would otherwise be entitled to release from custody.

1. A valid immigration detainer and warrant of arrest will not be recorded or served without the immigration detainer and warrant of arrest being emailed, faxed, or physically delivered to a designated recipient at LMDC.
2. The LMDC recipient shall immediately review the immigration detainer and the warrant to ensure that it is completely filled out, which includes all necessary signatures, and to ensure the identifying information is complete and matches that of the inmate in LMDC’s custody. If any of the foregoing information is obviously deficient, the LMDC recipient shall follow the procedure established in subsection F4, below.
3. Following initial review by the LMDC recipient of the immigration detainer, if no obvious deficiencies are identified, all detainers received shall additionally be reviewed as follows:
 - a. LMDC’s In-House Counsel shall review all facially sufficient detainers.
 - b. If LMDC’s In-House Counsel is unavailable, all facially sufficient detainers will alternatively be reviewed by the Assistant Jefferson County Attorney(s) assigned to advise LMDC.
 - c. If both LMDC In-House Counsel and LMDC’s JCAO advisor(s) are unavailable, the recipient of the immigration detainer shall contact an on-call Assistant County Attorney from a list provided by the JCAO.
 - d. If the detainer and warrant were not received from ICE by email, the LMDC recipient shall scan them and email to the reviewing attorney(s).
 - e. If a reviewing attorney cannot be reached, LMDC shall provisionally enter a facially valid detainer, and proceed with service as detailed in subsection F5. Attorney review must occur as soon as possible following the provisional entry. Once attorney review is complete, the detainer will be designated as valid.
 - f. Attorney review will consist of ensuring the following information was correctly supplied by ICE:
 - i. The correct immigration detainer form (I-247) was submitted and is in fact an immigration detainer, and all pertinent fields within the form are completed.
 - ii. ICE has checked one (1) of the four (4) boxes in section 1 of the immigration detainer form identifying its basis to believe the inmate may be subject to deportation;
 - iii. The immigration detainer is accompanied by either an arrest warrant (form I-200) or a warrant of removal/deportation (form I-205); and
 - iv. The detainer and the attached warrant are signed by ICE personnel.
4. Any detainer that is procedurally deficient as described above, shall be flagged as deficient. The recipient shall contact ICE, notify them in writing of the deficiency, and request that a sufficient detainer be resubmitted. The recipient shall include LMDC’s in-house counsel and the Assistant Jefferson County Attorney(s) assigned to advise LMDC in this written correspondence. Resubmitted detainers must then be rereviewed using the same process. An inmate shall not be held on a procedurally deficient detainer if the inmate is otherwise entitled to release.
5. Upon receipt or discovery of a valid immigration detainer and warrant, and prior to the beginning of any “hold” pursuant to the detainer, LMDC personnel shall serve the subject inmate with the detainer and warrant, which shall be communicated to the inmate in his or her native language. A signed copy of the executed documents will be uploaded to JMS. LMDC shall keep a record the time and date of

service and the identity of the person who effectuated service. Following service, ICE's "hold" on the inmate will be noted in JMS and any other appropriate LMDC records and/or database. If service on the inmate is not accomplished by the time that inmate would otherwise be entitled to release, the inmate shall be released.

6. Immigration detainers will be presumed to be valid and active, unless LMDC receives an immigration detainer regarding the same inmate cancelling the detainer. In this event, DHS Form I-247A provides a field for the cancellation of an immigration detainer, to be filled out by an authorized ICE employee.
7. At the time LMDC receives notice that the subject inmate is to be released on all local charges, records staff shall notify ICE. LMDC staff shall not be required to attempt such notification if the immigration detainer has previously been cancelled.
8. If ICE has not taken custody of the inmate based on the detainer within 48 hours of the time the inmate would have otherwise been released and there exists no other legal basis to hold the inmate, LMDC shall immediately release the inmate from custody.
 - a. The aforementioned 48-hour period shall include Saturdays, Sundays, and holidays.
 - b. The initiation of the 48-hour period shall be triggered by 1) the receipt by LMDC of an order or AOC-365.1 (or an email containing the order/AOC-365.1) from an authorized court or other authorized personnel releasing the inmate on all charges; 2) the inmate's "time out" release; or 3) any other event that would otherwise initiate the processing of an inmate's release from custody.
 - c. In the event that ICE employees do not arrive at LMDC upon the expiration of the 48-hour period, the inmate shall be released at to the expiration of the 48th hour. In order to accomplish timely release, LMDC staff must begin processing the inmate in sufficient time such that the inmate is finally released immediately upon the expiration of the 48th hour. However, nothing shall prevent ICE from assuming custody of the inmate prior to expiration of the 48th hour.
 - d. Property personnel, or any other employee designated with releasing an inmate to the Exit Lobby, shall be notified not to release the inmate before expiration of the 48-hour period unless ICE is present and ready to assume custody.
9. If the inmate has pending out of county, out of state, or federal criminal charges, or they are being transferred to the custody of KYDOC following felony sentencing, the inmate shall be transferred to the custody of the appropriate agency in compliance with all other applicable LMDC Policies and Procedures in the same manner as an inmate without an immigration detainer and the receiving agency shall be notified of the immigration detainer. LMDC staff shall attempt to notify ICE that custody of the inmate has been transferred to another agency.

Signature on file (Policy & Compliance Office)

Jerry Collins, Chief
Louisville Metro Department of Corrections

07/30/2025

Date