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| San Mateo County Sheriff's Office Corrections Division Policy and Procedures Manual Applicable to all facilities | Section: 4.09 | Number of Pages: 19 |
| | Related Standards: AB 4 (TRUST ACT), GOV'T. CODE 7282, 7282.5 8 CFR 287.7 PPM 04.01.-04.09. TRUTH ACT AB 2792 | |
| | Issue Date: 05-22-2014 | Revision Date: 01-16-2019 |
| Chapter: Releases | Subject: ICE Holds, Requests for Notification, ICE Interviews and Processing Documentation | |

I. PURPOSE:

- A. To establish guidelines for compliance with the California Values Act, and related statutes, concerning responsibilities associated with immigration law, including cooperation with Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE), or other federal immigration officers, regarding persons arrested and booked into Sheriff's custody. **(See Appendix A.)**
- B. To provide direction regarding the response to Form 1-247A (Immigration Detainer – Notice of Action), Form 1-200 (Warrant for Arrest of Alien), and/or Form I-205 (Warrant of Removal).
- C. To provide direction regarding inmate interviews w/ immigration officials (e.g. DHS or ICE officers).
- D. To provide direction regarding recordkeeping related to ICE requests, contacts, and entries.

II. POLICY:

- A. The Sheriff's Office (SO) will cooperate with immigration officials only if the inmate has been convicted in adult court of a serious or violent felony listed in Pen. Code §§ 1192.7 or 667.5 or otherwise meets the criteria set forth in California Government Code § 7282.5. **(See Appendix B to D.)** In these cases, cooperation with ICE shall be limited to:
 - 1. Providing information regarding an inmate's anticipated release date.
 - 2. Making an inmate, who voluntarily consents, available for an ICE interview. (See III.B)
 - 3. Transferring the custody of an inmate to an ICE official inside a correctional facility
- B. The SO **will provide** release information to ICE if any of the following has occurred:
 - 1. All criminal charges have been dropped or dismissed. (Pen. Code § 849(b)(1), 849(b)(2))
 - 2. The individual has been acquitted of all criminal charges.
 - 3. The individual is time served.
 - 4. The individual has posted a bond.
 - 5. The individual is otherwise eligible for release per applicable law or policy (e.g., PTA, OR)

- C. The SO will comply with the ICE requests for notification of release of an inmate, only if the inmate has a documented qualifying serious or violent felony conviction or otherwise meets the criteria set forth in Government Code § 7282.5 and no pending out-of-county matters at time of release.
- D. The SO will comply with judicial warrants, as defined below, but will not comply with non-judicial warrants issued by federal immigration officials. A “judicial warrant” is a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant. If a state court judge orders an inmate be transferred to the custody of immigration authorities, the order will be provided to counsel for the SO, and unless the order is facially defective in which case counsel will seek clarification, the order will be executed.

III. **PROCEDURES:**

Background

ICE is currently using Form I-247A (Immigration Detainer – Notice of Action) for requests that local law enforcement detain the inmate up to 48 hours after their scheduled release date, to enable immigration officials to take custody of the inmate. Receipt of this form does **not** provide the SO sufficient legal authority to hold an inmate past their scheduled release date.

The form I-247A may be accompanied by one or both of the following forms, I-200 (Warrant for Arrest of Alien), I-205 (Warrant of Removal). Unless signed by a judge or magistrate, which would not ordinarily be the case, these warrants do not constitute valid judicial warrants and, consistent with the law and this policy, will not be honored.

A. **Booking and Jail Classification:**

1. **Booking**

Foreign-born inmates will have an SB54 form placed in their jacket during booking. (**see attached SB54 Form**)

Upon receipt of an I-247A, the Booking LOS will:

- i. Log **all** I-247A forms on the Booking ICE Log Sheet and note the inmates ID number on the upper right-hand corner of **all** I-247A forms.
- ii. Fax the I-247A form to both the District Attorney’s Office (363-4873) and back to ICE with the ICE fax cover sheet (**see attached fax cover sheet**)
- iii. If an inmate was released prior to the receipt of the I-247A, the form will be marked “**Inmate released prior to receipt**” before it’s faxed. The form will then be filed in the appropriate Binder. If any ICE documentation is received via CLETS for a not in custody I-247A form, it is to be placed with the I-247A form in the binder.
- iv. Fill out the SB54 form that goes in the inmate’s jacket, with the name, ID number and Jail number. This is to be done before the jacket is handed off to OR

- v. Place any ICE documentation in the appropriate inmate's jacket, attached to the SB54 form; CLET's paperwork or RAP sheets are included should also be attached.
- vi. If the inmate is housed at MCF when the I-247A form is received, the LOS will locate the inmate's jacket, place the SB54 form in it, then deliver the jacket to Jail Classification Office to have the form served on the inmate.

- **Jail Classification:**

The Jail Classification Officer shall ensure that all inmates with an I-247A are promptly given/served a copy of the following forms/documents during the intake classification process, that all documents are filed appropriately, and that the SB54 form is filled out. The ICE binder is located in the Jail Classification Office.

- i. The Jail Classification Officer will review the criminal history (CII and FBI) of all inmates with an I-247A form to determine if they have a qualifying serious or violent felony conviction.
- ii. The SO shall use the form **Immigration and Customs Enforcement Request (see attached)** to notify the inmate if there is a qualifying conviction or circumstance and the SO intends to cooperate with ICE in the fashion set forth in this policy and to provide the Sheriff's Office with a designee for notification.
 - Copy will be filed in the ICE Binder in Jail Classifications.
 - Copy to be filed in the Inmates Jacket Attached to SB54 form
 - Copy to be given to the inmate
- iii. The Sheriff's Office **Consent/Refuse Immigration and Customs Enforcement Interview Form (see attached)** is used to notify the inmate they have the right to consent or refuse to be interviewed by ICE.
 - Original form to be filed in the ICE Binder in Jail Classification Office
 - Copy to be filed in the Inmates Jacket Attached to SB54 form
 - If the inmate consents to an interview, Classification will hand the Booking LOS the jacket and paperwork. The Booking LOS will then fax the consent to interview form to ICE.
 - All paperwork is to be stapled together and placed in the inmate's jacket after the consent to interview form is faxed to ICE.
- iv. A copy of the **I-247A** form is to be given to the inmate, a copy is to be placed in the ICE binder and another is to be attached to the SB54 form in the inmate's jacket.
- v. A complete and stapled copy of the paperwork shall be placed in the ICE binder.
- vi. If the inmate is housed at the Maple Street Facility, the LOS will locate the inmate's jacket, make sure the SB54 form is in it and give the jacket and documentation to classification. Classification will have the documents transported to MSCC for service and signature. The transporting officer cannot leave MSCC without the original documents.

B. Releases/Court Desk/Cashier:

- **Releases**

The Sheriff's Office will comply with the ICE request for notification of release, only if the inmate has a documented qualifying conviction or circumstance at the time of release.

If ICE is to be contacted, the following three notifications are to be made:

- i. The Jail Classification Officer will:
 - Confirm with a Lieutenant or Sergeant the inmate is eligible for ICE pick up;
 - Make sure the inmate is notified; and
 - Notify the Sergeant and Releases to make their notifications
- ii. The Intake or Security Sergeant will notify the Attorney or Designee if one has been provided by the inmate. If the attorney or designee requests a copy of the notice given to the inmate, the Intake or Security Sergeant shall provide it by email.
- iii. Releases will notify ICE

The Release Officer shall ensure, prior to releasing any inmate with an SB54 form in their jacket that has also been in custody for 5 days or longer, that a new criminal history has been run and are given to the Jail Classification Officer to review for qualifying convictions and circumstances. An inmate shall not be held past the time s/he would otherwise be released to complete this review.

- Upon the inmate's release date, an inmate with a qualifying conviction or circumstance will be prepared for release with all the other scheduled releases and transfers.
- If an ICE agent is in the facility, when the inmate is to be released, the agent may take custody of the inmate.
- If an ICE agent is not present in the facility, the inmate is to be released.
- Absent circumstances beyond the control of the Sheriff's Office, the SO will not delay or hold an inmate beyond the time s/he would otherwise be released.

- **Court Desk**

The Court Desk Staff shall notify ICE, if a previously un-sentenced inmate with a qualifying conviction or circumstance, is to be transferred to a state correctional facility.

- i. The notification will be made via fax using the I-247A form; at the bottom of the document it will be noted "**Inmate Sentenced to CDCR – Not Available for Pick-up**".
We will provide the name of the facility the inmate is being transferred to if it's available.

- **Cashier**

Confirm with the Classification Officer that all required paperwork is served to the inmate and filed in the jacket and binders.

C. Response to Requests from Immigration Officials for Interviews:

ICE will continue to have access to our jails. They will receive the same treatment and courtesy extended toward law enforcement officers conducting official business with the SO.

- i. All interviews are voluntary; no inmate is to be compelled to speak with ICE.
- ii. If the inmate does not affirmatively consent to the interview by signing the form, the inmate shall not be made available for an ICE interview.

The following is the procedure for granting ICE an interview:

- i. All requests are to be given to an Intake or Security Sergeant to determine if the interview is to be granted.
- ii. The Sergeant will review the inmates *Consent/Refuse Immigration and Customs Enforcement Interview* Form to make the determination.
- iii. If the interview is approved, the Sergeant will schedule the appointment with the Lobby which will take place in an available Attorney or Contact Visiting room.
- iv. ICE will go through the Sally Port and check in with Central/Master Control.
- v. The Control Room Staff will inform the Sergeant and Lobby when they arrive and log the visit in the ICE Control Room Log Book.

D. Logging, Tracking and Storing Paperwork and ICE Movements:

The SO tracks information related to the entry of ICE into our facilities and the release of inmates to ICE. The information is gathered monthly and used to answer public queries. To provide information as required, all logs and documentation are filled out completely, clearly and accurately. Listed below are the logs used by the Sheriff's Office, who enters the information, and where they are located:

- i. **Booking Log:** This log is located on the landing between Booking Stations 1 and 2. The Booking LOS will log all I-247A forms received directly for ICE and those brought in with an inmate that has been transported from an outside jurisdiction.

The following information is to be logged for each I-247A Form:

- The First and Last name the inmate is booked with.
- The inmates ID# and Jail#
- The date the I-247A was received
- If the inmate is Sentenced and/or has a pending release date
- The date the inmate was released if he/she is no longer in custody
- The date and time the confirmation fax was sent to the D.A./ICE

- ii. **Central/Master Control Log:** This log is in the Control room of each facility. Each shift is required to track the following information:
 - The date and time each ICE Agent enters the facility. T
 - The agents first and last name and badge number.
 - The purpose of the visit (interview, Pickup inmate)
 - The first and last name and ID# of the inmate.
 - At the end of the shift, if ICE has not entered the building, they are to note the date, time and “None”

- iii. **Court Desk:** This log is located on the landing at the Court Desk. The Court Desk LOS will log the following information for each inmate that is to be transferred to a state correctional facility.
 - The First and Last name the inmate is booked with
 - The inmates ID# and Jail#
 - The name of the facility the inmate is being transferred to
 - The sentence if available
 - The date and time the fax notification was sent to ICE

- iv. **Releases:** This log is in the Release Office; the log that is used is the main log, not a separate document. The Release Officer will log when ICE takes custody of an inmate. In the Comments column of the Release Log the notation “ICE” will be made for each inmate that ICE takes custody of.

- iv. **Jail Classification:** The binders that hold the jails copies of the Ice paperwork and the paperwork served/given to the inmate are in the Jail Classification Office.

E. Public Access to Records

All reports described in this policy shall be considered public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure.

Records relating to ICE access include, but are not limited to, data maintained by the Department regarding the number and demographic characteristics of individuals to whom the Department has provided ICE access, the date ICE access was provided, and whether the ICE access was provided through a hold, transfer, or notification request or through other means.

To the extent that disclosure of an item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

APPENDIX A

It is the policy of the San Mateo County Sheriff's Office, as set forth above, to comply with state law governing law enforcement's ability to interact and cooperate with federal immigration officers.

Pursuant to the California Values Act and this policy, members of the Department may not use Department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual's immigration status.

(B) Detaining an individual based on a hold request.

(C) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless in compliance with the provisions set forth herein.

(D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless in compliance with the provisions set forth herein.

(E) Making or intentionally participating in arrests based on civil immigration warrants.

(F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

Members of the Department may not place other members of the Department under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All members of this Department are subject to California law governing conduct of peace officers and the policies of this Department.

Members of this Department may not use immigration authorities as interpreters for law enforcement matters relating to individuals in Department custody.

Members of this Department may not transfer an individual in Department custody to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or as otherwise set forth herein.

Members of the Department may not provide office space exclusively dedicated for immigration authorities for use within county law enforcement facilities. However, immigration authorities may be provided office space for their use so long as the office space provided is non-exclusive for such use.

Members of the Department are not prohibited from the following pursuant to the California Values Act:

- (1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers of custody to immigration authorities are permitted only in accordance with this policy.

- (2) Responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.
- (3) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15) (T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.
- (4) From sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

DEFINITIONS:

- A. "Civil immigration warrant" means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.
- B. "Conviction" shall have the same meaning as subdivision (d) of Section 667 of the Penal Code.
- C. "Eligible for release from custody" means that the individual may be released from custody because one of the following conditions has occurred:
 - (1) All criminal charges against the individual have been dropped or dismissed.
 - (2) The individual has been acquitted of all criminal charges filed against him or her.
 - (3) The individual has served all the time required for his or her sentence.
 - (4) The individual has posted a bond.
 - (5) The individual is otherwise eligible for release under state or local law, or local policy.
- D. "Hold request," "notification request," and "transfer request" have the same meanings as provided in Section 7283.
 - (1) Specifically, a "hold request" means a federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release to facilitate transfer to ICE.
 - (2) "Notification request" means an Immigration and Customs Enforcement request that a local law enforcement agency shall inform ICE of the release date and time in advance of the public of an individual in its custody.
 - (3) "Transfer request" means an Immigration and Customs Enforcement request that a local law enforcement agency facilitate the transfer of an individual in its custody to ICE.

Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.

- E. “Immigration enforcement” includes any efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and includes all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.
- F. “Joint law enforcement task force” means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal law enforcement agency in investigating federal or state crimes.
- G. “Judicial probable cause determination” means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.
- H. “Judicial warrant” means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.
- I. “Serious felony” means any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a serious felony as defined by subdivision (c) of Section 1192.7 of the Penal Code.
- J. “Violent felony” means any of the offenses listed in subdivision (c) of Section 667.5 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a violent felony as defined by subdivision (c) of Section 667.5 of the Penal Code.

APPENDIX B - SERIOUS FELONIES

- (1) Murder or voluntary manslaughter;
- (2) Mayhem;
- (3) Rape;
- (4) Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (5) Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (6) Lewd or lascivious act on a child under 14 years of age;
- (7) Any felony punishable by death or imprisonment in the state prison for life;
- (8) Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
- (9) Attempted murder;
- (10) Assault with intent to commit rape or robbery;
- (11) Assault with a deadly weapon or instrument on a peace officer;
- (12) Assault by a life prisoner on a non-inmate;
- (13) Assault with a deadly weapon by an inmate;
- (14) Arson;
- (15) Exploding a destructive device or any explosive with intent to injure;
- (16) Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
- (17) Exploding a destructive device or any explosive with intent to murder;
- (18) Any burglary of the first degree;
- (19) Robbery or bank robbery;
- (20) Kidnapping;
- (21) Holding of a hostage by a person confined in a state prison;
- (22) Attempt to commit a felony punishable by death or imprisonment in the state prison for life;
- (23) Any felony in which the defendant personally used a dangerous or deadly weapon;
- (24) Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code;
- (25) Any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
- (26) Grand theft involving a firearm;
- (27) Carjacking;
- (28) Any felony offense, which would also constitute a felony violation of Section 186.22;

- (29) Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220;
- (30) Throwing acid or flammable substances, in violation of Section 244;
- (31) Assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245;
- (32) Assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5;
- (33) Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) Commission of rape or sexual penetration in concert with another person, in violation of Section 264.1;
- (35) Continuous sexual abuse of a child, in violation of Section 288.5;
- (36) Shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100;
- (37) Intimidation of victims or witnesses, in violation of Section 136.1;
- (38) Criminal threats, in violation of Section 422;
- (39) Any attempt to commit a crime listed in this subdivision other than an assault;
- (40) Any violation of Section 12022.53;
- (41) A violation of subdivision (b) or (c) of Section 11418; and
- (42) Any conspiracy to commit an offense described in this subdivision.

APPENDIX C - VIOLENT FELONIES

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286.
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a.
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
- (7) Any felony punishable by death or imprisonment in the state prison for life.
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55
- (9) Any robbery.
- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
- (12) Attempted murder.
- (13) A violation of Section 18745, 18750, or 18755.
- (14) Kidnapping.
- (15) Assault with the intent to commit a specified felony, in violation of Section 220.
- (16) Continuous sexual abuse of a child, in violation of Section 288.5.
- (17) Carjacking, as defined in subdivision (a) of Section 215.
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
- (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
- (22) Any violation of Section 12022.53.
- (23) A violation of subdivision (b) or (c) of Section 11418. The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.

**APPENDIX D - CONVICTION CRITERIA FOR PROVISION OF NON-PUBLICALLY AVAILABLE
INFORMATION AND TRANSFER OF CUSTODY TO DHS/ICE OFFICIALS**

- (1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code. See Appendices I and II above.
- (2) The individual has been convicted of a felony punishable by imprisonment in the state prison.
- (3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:
- (A) Assault, as specified in, but not limited to, Sections 217.1, 220, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.
- (B) Battery, as specified in, but not limited to, Sections 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.
- (C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.
- (D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, and 311.11, and 647.6 (excludes 647.6(a)(1)-(2) as they are straight misdemeanors) of the Penal Code.
- (E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273d, 273.4, and 278 of the Penal Code.
- (F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463 (excludes 463(c) as it is a straight misdemeanor), 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.
- (G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.
- (H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.
- (I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.
- (J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417 (exclude 417(a) & (d) as they are straight misdemeanors), 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 (excludes 26100(a) as it is a straight misdemeanor) of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code (excludes 368(c) as it is a straight misdemeanor).

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

SB54

This document is to be placed in the jacket of all inmates for whom we have received and I247A form.

Jail Classification Officer: _____ Date: _____ Inmates

Name: _____ ID#: _____

Jail#: _____

Qualifying Conviction at the time of booking: Yes No

If yes list the charge, date and jurisdiction: _____

Qualifying Conviction at the time of release: Yes No

If yes list the charge, date and jurisdiction: _____

ICE Contacted Yes / No Custody Transferred to ICE Yes / No

CITE ___ Ct.Date _____ P.T.A. ___ Ct.Date _____ / BAIL ___ Ct.Date _____

SB54

This document is to be placed in the jacket of all inmates for whom we have received and I247A form.

Jail Classification Officer: _____ Date: _____

Inmates Name: _____

ID#: _____ Jail#: _____

Qualifying Conviction at the time of booking: Yes No

If yes list the charge, date and jurisdiction: _____

Qualifying Conviction at the time of release: Yes No

If yes list the charge, date and jurisdiction: _____

ICE Contacted Yes / No Custody Transferred to ICE Yes / No

CITE ___ Ct.Date _____ / P.T.A. ___ Ct.Date _____ / BAIL ___ Ct.Date _____



SHERIFF'S OFFICE

A TRADITION OF SERVICE SINCE 1856

Consent/Refuse Immigration and Customs Enforcement Interview

- Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- 我请求以中文接收此表格 / I request to receive this form in Chinese.
- Humiling kong makatanggap ng form na ito sa tagalog. / I request to receive this form in Tagalog.
- Tôi yêu cầu để nhận dạng này tại Việt Nam. / I request to receive this form in Vietnamese.
- 한국에서이 양식을 받을 수 요청 합니다. / I request to receive this form in Korean.

This notice is to inform you that immigration and Customs Enforcement (“ICE”) may want to interview you.

You have the right to agree or to refuse this interview.

This notice is intended to provide you with information about your rights:

- (1) **ICE interviews are voluntary.** You can say no.
- (2) **You have the right to remain silent.** Even if you say yes to an interview, you can refuse to answer any or all questions. Anything you say may be used against you in a criminal and/or immigration proceedings.
- (3) **You may request to have an attorney present during any interview.** The jail will not bring you to the interview without your attorney present.
- (4) **If you are already in removal/deportation proceedings,** you have the right to have your immigration lawyer present during any questioning. Inform ICE to contact your attorney (if you have one) before the interview.

You should not sign any forms you do not understand.

By checking the box and signing below, you are indicating whether or not you agree to an interview with ICE. The Jail is only allowed to bring you to an ICE interview if you agree.

Name: _____

ID#: _____

Signature: _____

_____ I do not agree to speak to ICE.

_____ I agree to speak with ICE, **only** with my attorney present.

_____ I agree to speak with ICE, **without** an attorney present.

FOR LAW ENFORCEMENT PERSONNEL:

Served by: _____ Badge# _____ Date: _____

Original to ICE Binder Intake Sgt. Office ~ Copy to Inmates Jacket Attached to SB54 Form



SHERIFF'S OFFICE

A TRADITION OF SERVICE SINCE 1856

**Maguire Correctional Facility 300 Bradford St. Redwood City CA 94063
(650)363-4317 Phone (650)363-4868 Fax**

**This Fax is to
Confirm Receipt
of an ICE I-247A Form.**

Maguire Correctional Facility Booking