

Immigration Status

542.1 PURPOSE AND SCOPE

It is the purpose of this Office to establish guidelines for restrictions on detaining a person on the basis of an immigration hold or detainer and to ensure full compliance with the California Fair Values Act., Trust and Truth Act. No person shall be held solely on the basis of their immigration status. The immigration status of a person and lack of immigration documentation, should have no bearing on the manner in which Sheriff's Office personnel execute their duties.

542.2 DEFINITIONS

Definitions related to this policy include:

Immigration and Customs Enforcement (ICE): The US Department of Homeland Security's Immigration and Customs Enforcement Agency (ICE) has the primary responsibility to investigate and enforce federal immigration laws. This Office's personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE initiated investigations have lead to the discovery of criminal violations of California law.

Immigration Detainer: Form I-247, issued by an authorized immigration officer, pursuant to Section 287.7 of Title 8 of the Code of Federal Regulation, that requests the Sheriff's Office to advise the authorized immigration officer prior to the release of that individual. The Sheriff's Office will not comply with this request unless it meets the criteria as listed below.

542.3 POLICY

An Immigration Detainer requests the Sheriff's Office to notify ICE, prior to release of an individual, in order for ICE to make arrangements to assume custody. The detainer request will be honored only within the following established guidelines:

- a. The existence of an Immigration Detainer does not affect an individual's ability to post bail or bond or to be released on their own recognizance.
- b. Immigration Detainers are not to be considered warrants and should be considered separate entities. Duly issued warrants will be honored in all cases.
- c. If an individual becomes release eligible, the Sheriff's Office will not detain the individual on the basis of an Immigration Detainer past his or her scheduled release date (Maria Miranda-Olivares v Clackamas County).

The Sheriff's Office will only respond to a request for notification or transfer of an inmate if the person has been convicted of a Trust Act crime, which includes a serious or violent felony, a felony punishable by imprisonment in state prison, a misdemeanor as part of a "wobbler" within the past five years, or a felony for one of the numerous offenses outlined in Government Coe section 7282.5(a)(3) within the last 15 years.

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There will be no cooperation with immigration authorizes for individuals arrested, detained, or convicted of misdemeanors that were previously felonies or wobblers prior to the passage of Proposition 47.

The Sheriff's Office will not transfer an individual to immigration unless authorized by a judicial warrant, or a judicial probably cause determination, or in accordance with Section 7282.5.

542.4 NOTIFICATION

The Sheriff's Office will not provide information regarding a person's release date or respond to requests for notification by providing release dates or other information, unless such information is available to the public or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Nor will personal information about an individual, including but not limited to the individual's home address or work address,

542.5 SECTION TITLE