RIVERSIDE COUNTY SHERIFF’S DEPARTMENT
STAN SNIFF, SHERIFF

TO: All Personnel

FROM: Stan Sniff, Sheriff

DATE: January 2, 2018

Department Directive #18-001

RE: Cooperation – Federal Immigration Enforcement Authorities

PURPOSE

Senate Bill 54 – Law Enforcement: Sharing Data requires law enforcement agencies within California to limit cooperation with our federal partners in their duties involving immigration related enforcement. California Government Code 7284 is cited as the “California Values Act.”

PROCEDURE

The Department position remains the same and we do not enforce immigration laws or use Department resources for immigration enforcement. As such, the new mandates do not significantly impact daily operations. Department members shall comply with the following:

1. Corrections Operations
   a. Follow all immigration related correctional policies and procedures.

2. Coroner Operations
   a. Follow all coroner policies and procedures.

3. Court Operations
   a. Department members shall only assist federal immigration authorities in emergency situations.
   b. Immediately notify supervisors if immigration enforcement activities are on or near court property.
   c. Supervisors and managers will immediately notify the Chain of Command and PIO.

4. Patrol Operations
   a. In emergency situations, Department members may assist federal immigration authorities who are actively engaged in immigration enforcement related activities.
      i. Foot or vehicle pursuits without any further exigent circumstance(s), does not constitute an emergency.
      ii. If emergency assistance is rendered, Watch Commanders shall notify the Chain of Command, PIO, and document the incident in the daily SAL.
   b. May arrest or detain for release to immigration authorities a person who has an active federal “Judicial Warrant” or federal court determination of “Judicial Probable Cause.”
      i. Civil Immigration warrants are not to be enforced.
c. Immigration enforcement authorities may be contacted if during any investigation, enforcement, arrest, or detention of a person(s) during an unrelated law enforcement activity, and that person(s) may be subject to federal criminal enhancements such as:
   i. Title 8 USC Section 1326(a) – Reentry
   ii. Title 8 USC Section 1326(b)(2) – Reentry Aggravated Felony Convictions

d. Can give access to immigration authorities to interview an individual in custody, however the access must first comply with the “Truth Act.”
   i. Written notification to the individual in custody.
   ii. Written consent from the individual in custody.
   iii. Commencing January 1, 2018, requires the local governing body in which the Department has provided ICE access to an individual during the last year, to hold at least one public community forum during the following year, and provide information to the public about ICE’s access to individuals and to receive and consider public comment. Community forum” includes, but is not limited to, any regular meeting of the local governing body that is open to the public, where the public may provide comment, is in an accessible location, and is noticed at least 30 days in advance.

e. No use of immigration authorities as interpreters for individuals in custody.

f. School Resource Officer’s shall follow the same responsibilities outlined under Court Operations.

g. Joint task force commanders shall create or have a Standard Operating Procedure covering at least the following:
   i. The purpose of the task force.
   ii. The federal, state, and local law enforcement agencies involved.
   iii. Tracking and reporting to DOJ by March 1, 2019, the total number of people arrested for immigration enforcement purposes.

5. Support Services

a. Absent emergency conditions, Dispatch will forward all requests for immigration enforcement related assistance to the designated area Watch Commander.

b. Records and clerical personnel shall immediately notify a supervisor or manager for any requests from immigration enforcement authorities.
   i. This does not prohibit the department from 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.
   ii. Does not prohibit or restrict any government entity or official 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.

The Department shall have the discretion to cooperate with immigration authorities only if doing so does not violate any federal, state, or local law, or local policy. California Government Code 7282.5(a) lists specified offenses, convictions and conditions of cooperation associated with releases and transfers of individuals within our custody.

SS: bv
Effective May 6, 2014, ICE Detainers will no longer be honored on advice from legal counsel, unless supported by a federal probable cause hearing. However, Release Notification Requests will be accepted and honored as permitted by law.


**GUIDELINES:**

1.0 **ICE Detainer (DHS Form I-247A)**

ICE Detainers will not be honored unless accompanied with documentation of proof a federal probable cause hearing occurred and such proof is signed by a judge.

Upon receipt of an ICE Detainer, designated staff shall:

1.1 Complete the “ICE Detainer/Notification Request Eligibility Worksheet” (RSD Form 519). Follow section 3.0 for instructions.

1.2 Place the ICE Detainer in the inmate file and in the comments section indicate, “ICE Hold Rejected” with the date and time.

1.2.1 DO NOT enter the ICE Detainer information into JIMS.

1.3 Complete the “Notification to Inmate - ICE Immigration Request” Form (506.23, attachment 1-A). This attachment is also available in: Chinese (attachment 1-B), Korean (attachment 1-C), Tagalog (attachment 1-D), and Vietnamese (attachment 1-E).

1.3.1 Coordinate the delivery of the form to the inmate for his/her signature.

1.3.2 A copy of the ICE Detainer (DHS I-247A) shall be provided to the inmate, along with the yellow copy of the Notification to Inmate form.

1.3.3 The white copy of the Notification to Inmate form shall be kept in the inmate's file.

1.4 For Inmates with ICE Detainers previously documented in JIMS and who are due for release, staff shall:
1.4.1 Process the inmate for release per Corrections Policy.
1.4.2 Update the following:
   
   ➢ In the JIMS description section, indicate “ICE Hold Rejected” with the date.
   ➢ In the comments section of the inmate file, indicate “ICE Hold Rejected” with the date and time.

1.5 Follow section 4.0 for notification of ICE upon release

2.0 ICE Notification Request (DHS Form I-247A)

ICE Release Notification Requests will be accepted and honored as permitted by law. Upon receiving an ICE Notification Request, designated staff shall:

2.1 Complete the “ICE Detainer/Notification Request Eligibility Worksheet” (RSD Form 519). Follow section 3.0 for instructions.

2.2 Place the ICE Notification Request in the inmate file and print in the comments section, “ICE Notification Request Received” with the date and time.

2.2.1 DO NOT enter the ICE Notification Request information into JIMS

2.3 Complete the “Notification to Inmate - ICE Immigration Request” Form (506.23, attachment 1).

   2.3.1 Coordinate the delivery of the form to the inmate for his/her signature.
   2.3.2 A copy of the ICE Release Notification Request (DHS I-247A) shall be provided to the inmate, along with the yellow copy of the Notification to Inmate form.
   2.3.3 The white copy of the Notification to Inmate form shall be kept in the inmate's file.

2.4 Follow section 4.0 for notification of ICE upon release

3.0 ICE Detainer/Notification Request Eligibility Worksheet (RSD Form 519)

Beginning January 1, 2018, California Government Code § 7282.5, allows a law enforcement agency to notify immigration authorities at the time the individual becomes eligible for release from custody, if certain conditions are met. To determine eligibility, staff shall do the following:

3.1 Upon receipt of an ICE Detainer/Notification Request, designated staff will review the inmate’s CII and/or FBI to confirm if a qualifying conviction/condition has been met and complete the “ICE Detainer/Notification Eligibility Worksheet”

   3.1.1 Section I - ICE Detainer/Notification Eligibility

   ▪ "QUALIFIED" - If a qualifying conviction/condition has been met, designated staff will check the "QUALIFIED" box and indicate the charge and/or condition
met.
  - Follow section 4.0 for notification of ICE upon release

- “PENDING Pre-Release Verification” - If the inmate does not have a qualifying conviction/condition, designated staff will check the “PENDING Pre-Release Verification” box.

3.1.2 Section II - Pre-Release ICE Detainer Eligibility Verification

If the ICE Detainer/Notification Request did not qualify in Section I, the inmate’s CII/FBI/Current case disposition will be reassessed prior to release.

- If the inmate is due for release and still does not meet any of the convictions/conditions, designated staff will NOT notify ICE of the inmate’s release.
- If the inmate QUALIFIED while in custody, the designated staff shall:
  - Check the appropriate box, along with date and qualifying charge/condition
  - Follow section 4.0 for notification of ICE upon release

4.0 Release of inmates with ICE Detainers or Release Notification Requests

4.1 Notify ICE as soon as practical regarding the release of an inmate with an ICE Detainer/Notification Request that has a qualifying conviction/condition listed on Form 519.

4.1.1 In the comments section of the inmate’s file, document the date, time and ICE agent notified.

4.2 Complete the “Notification to Inmate – ICE Notified of Your Release Date” Form (506.23, attachment 2-A). This attachment is also available in: Chinese (attachment 2-B), Korean (attachment 2-C), Tagalog (attachment 2-D), and Vietnamese (attachment 2-E).

4.2.1 Coordinate the delivery of the form to the inmate for signatures and attorney/designee address. The pink copy of the form shall be provided to the inmate.

4.2.2 If the inmate provides an attorney/designee address, the yellow copy shall be promptly mailed to the attorney/designee via certified mail and documented on the form. The mailing should be deposited for collection in the mail the same day or as soon thereafter as may be practical.

4.2.3 The white copy of the form shall be kept in the inmate’s file.

4.3 Process the inmate’s file for release per Corrections Policy. Inmates in this category shall NOT be held beyond their release date. They will be released according to each Jail’s release procedure without delay.

4.4 In the event an ICE agent arrives at a Jail, after previously being notified of release of a specific inmate per section 4.1, staff shall arrange to immediately transfer
custody of such inmate to ICE within the secure area of the Jail without delay prior to the inmate's scheduled release time.
Riverside County Sheriff’s Department
ICE Detainer/Notification Request Eligibility
Worksheet
For compliance with California Government Code § 7282.5

INMATE ___________________________________________ BK # _______________________

SECTION I: ICE DETAINER/NOTIFICATION REQUEST ELIGIBILITY

☐ QUALIFIED - The above listed inmate has met at least one of the conditions set forth by California Government Code § 7282.5. Charge and/or Condition Met: ___________________________ (e.g. Sex Registrant; 187 PC)

☐ PENDING PRE-RELEASE VERIFICATION – Inmate does not meet at least one of the conditions set forth by California Government Code § 7282.5 and will be reassessed in Section II, prior to release.

Reviewing RSO Staff: _____________________________ on ____________________________ (Rank/Name and ID #) (Date/Time)

SECTION II:
PRE-RELEASE ICE DETAINER/NOTIFICATION REQUEST ELIGIBILITY VERIFICATION

If the ICE Detainer/Notification Request did not qualify in Section I, Inmate’s CII/FBI/Current Case disposition must be reviewed again, to ensure he does not currently meet the conditions required by California Government Code § 7282.5. Prior to inmate’s release, the reviewing supervisor must cause Section II to be completed.

☐ REJECTED - Inmate is due for release and still does not meet any of the conditions set forth by California Government Code § 7282.5.

☐ Inmate QUALIFIED while in custody:

  • Date of qualifying charge/condition: _____________________________
  • Charge and/or Condition Met: _____________________________ (e.g. Sex Registrant; 187 PC)

Reviewing RSO Staff: _____________________________ on ____________________________ (Rank/Name and ID #) (Date/Time)

RSD FORM 519 (01/01/18) PRINT ON GOLDENROD PAPER
California Government Code § 7282.5 allows a law enforcement agency to notify immigration authorities at the time that the individual becomes eligible for release from custody, if certain conditions are met. California Government Code § 7282.5 defines the following conditions; at least one must be met:

Proposition 47 NOTE:
Misdemeanor convictions which were classified as felonies prior to the passage of Proposition 47 are not eligible for ICE notification.

1. The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7[1] of, or subdivision (c) of Section 667.5[2] of, the Penal Code.

Section 1192.7 PC:
(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.

Section 667.5 PC:
(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 of the Penal Code.
(20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22 of the Penal Code.
(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.

2. The individual has been convicted of a felony punishable by imprisonment in the state prison.
NOTE: Felonies punishable under Penal Code section 1170(h) that can only be punished by county jail time do not satisfy this condition. If using this condition, make sure to confirm the felony at issue is still 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 (wobbler) for, OR has been convicted within the last 15 years of a felony for any of the offenses listed below:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 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 242, 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, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 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, 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, 74, 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, 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 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 (vandalism) 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, 404.6, 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.

(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 653.23 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)

6. The individual 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.

7. The individual is arrested and taken before a magistrate (Preliminary Hearing) on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872[3] of the Penal Code.

