

TRUTH Act Model Policy

A. ICE Interviews

Before an individual in custody is made available for an interview with Immigration and Customs Enforcement (ICE) (whether in person or by phone, and including by being located in an area of the jail where ICE has the ability to approach the individual) for questioning:

- The individual must be given a copy of the attached written consent form (Truth Form 1), which explains that the purpose of the interview is to investigate potential immigration violations, that the interview is voluntary, and that he or she may decline to be interviewed and/or may choose to be interviewed only with his or her attorney present.
- The consent form shall be provided in the individual's preferred language, as indicated by the individual.
- The individual may indicate whether he or she consents to the interview by marking the form.
- If the individual does not affirmatively consent to the interview by signing the form, the individual shall not be made available for an ICE interview.
- If the individual indicates that he or she is only willing to speak to ICE with an attorney present, the individual shall not be made available for an interview until ICE has scheduled a meeting with the individual's attorney, and the attorney is present.
- The officer must also sign and date the form, indicating that it has been provided to the individual in his or her preferred language and when this occurred.

B. ICE Hold, Notification, or Transfer Requests, including I-247, I-247D, I-247N, I-247X

Upon receiving an ICE hold, notification, or transfer request for any individual:

- The individual shall promptly be given a copy of the request.
- The individual shall be given a copy of the attached notification form, TRUTH Act Form 2, indicating whether the Department intends to comply with the request. Any decision to comply shall be made in conformance with Department policy and the California TRUST Act, Gov. Code §§ 7282-7282.5. If the Department has not yet made a decision about whether it intends to comply, it shall so inform the individual, and shall also inform the individual when it expects to make a decision and the criteria it will use in making that decision.
- If the Department intends to comply with an ICE notification request, or has not yet made a decision about compliance, the individual shall be given the opportunity to complete the notification form with contact information for his or her attorney or any other individual the inmate chooses to designate.
- If the Department notifies ICE that an individual is being, or will be, released on a certain date and time, the officer providing that information to ICE shall

promptly provide the same notice, using TRUTH Act Form 3, to the individual. The Department also shall notify the individual's attorney or other designee, using the contact information provided by the individual on TRUTH Act Form 2. If notification to the attorney or designee is provided by phone, the Department shall subsequently provide, by email, the attorney or designee with a written copy of the notice given to the individual on TRUTH Act Form 3.

C. Public Access to Records

Upon receiving any request pursuant to the California Public Records Act, GOVT. CODE §§ 6250 - 6276.48 for information related to ICE's access to individuals, responsive records shall be produced consistent with the Act's requirements.