

Ventura County Sheriff's Office
Detention Services
Divisional Policy



Section 6 Chapter 16

Immigration and Customs Enforcement (ICE) Interviews, Holds and Notification Procedure – AB 2792 Truth Act and SB 54 California Values Act

Drafted: December 28, 2017 Reviewed: June 1, 2020 Revised: January 23, 2020

PURPOSE:

The purpose of this policy is to establish a procedure for processing interview requests and DHS/ICE requests/detainers received from United States Immigration and Customs Enforcement (ICE) agents. This procedure is in response to Assembly Bill 2792 (2016), otherwise known as the TRUTH Act. This policy shall also establish procedures regarding Senate Bill No. 54 (SB 54) which among other things, prohibit state and local law enforcement agencies from using money or personnel for specified immigration enforcement purposes.

POLICY:

AB 2792 TRUTH Act requires written notification to and consent from, inmates prior to ICE agents conducting any interviews reference immigration violations or status. It also requires a copy of a DHS/ICE detainer be given to the designated inmate. Additionally, notification must be made to the inmate and his or her attorney or designee, when any release date notification is made by the department to ICE agents.

Current Law prohibits Sheriff's Employees from the following:

- Inquiring into an individual's immigration status
- Providing ICE information regarding a person's release date (available on public website)
- Providing ICE personal information about an individual, including but not limited to, the individual's home or work address
- Using immigration authorities as interpreters for law enforcement matters
- Intentionally making or participating in arrests based on immigration warrants
- Transferring an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause declaration, or accordance with Gov. Section 7282.5 (prior felony conviction)
- Providing office space exclusively used by ICE for immigration enforcement

- Performing immigration office functions
- Allowing ICE Agents to utilize VCIJIS and its functions

DEFINITIONS:

Sheriff's Detention Services Facilities: Hall of Justice (holding areas), East County Jail, Pre-Trial Detention Facility and Todd Road Jail.

ICE Agent: Immigration and Customs Enforcement agent.

DHS/ICE Requests: any detainer, notifications or transfer request received from Department of Homeland Security or Immigration and Customs Enforcement Agency.

ICE Interview Consent Form: a triplicate form provided to an inmate in order to document the inmate's consent or refusal of an interview with an ICE agent.

ICE Information Request Form: a duplicate form utilized to inform an inmate that the department has received an ICE request, e.g. an ICE detainer.

ICE Release Notification Form: a quadruplicate form utilized to inform an inmate and his/her attorney or designee that the department has shared the inmate's release information with ICE.

PROCEDURES:

I. ICE INTERVIEW REQUESTS

Upon notification from an ICE agent that they would like to contact an inmate reference his/her immigration status or immigration violations, the housing SST or deputy will:

- A. Contact the inmate and have them complete the form titled, **ICE Interview Consent Form**.
- B. If the inmate declines to be interviewed, the inmate will immediately be returned to his/her cell.
- C. If the inmate wants an attorney present, the interview will be postponed until such time the attorney is available to represent the inmate during the interview. ICE will be responsible for contacting the Facility Sergeant and scheduling an attorney interview with the inmate.
- D. ICE agents will only be granted an interview if the inmate consents and signs the waiver form.
 1. The inmate will be placed in an interview room to meet with the ICE agent

- E. The copies of the **ICE Interview Consent Form** will be distributed by the PTDF Level 1 Senior Deputy as noted on the bottom of the form.

II. RECEIPT OF ICE DETAINDER OR REQUEST

- A. Upon receipt of a DHS/ICE Detainer, Notification, or Transfer Request for an inmate in our custody; CIR staff will check the ICE Interest check box creating an ICE flag in the inmate's VCIJIS profile, place an SB 54 Yes/No/Pending stamp onto the detainer and forward it to the Classification Unit for review.
- B. A Classification Deputy will do further review and **IF** the inmate meets the SB 54 criteria, an SB 54 check (Yes) will be placed onto the detainer and returned to CIR for filing into the inmate's jacket. The SB 54 check box in VCIJIS shall be marked and appropriate notes placed in the comment box. Once CIR receives the marked Detainer, the Information Request Form will be completed to indicate our intention to comply and share information with ICE. At this point, the inmate will be notified of our agencies intent to comply with ICE's request. That inmate notification will be made by a senior deputy assigned to the area where the inmate is housed.
- C. If the Classification Deputy determines the inmate does not meet the SB 54 criteria but the current fresh charge(s) are violent/serious (Gov. Code 7285.5(a)(2)), an SB 54 check (pending) will be placed onto the detainer and returned to CIR. The SB 54 check box in VCIJIS shall be marked and appropriate notes placed in the comment box. No notification to the inmate will be generated at this stage.
- D. CIR will maintain a list of all inmates in the "pending" status and notify the Classification Unit upon completion of the inmate's preliminary hearing on his/her current case. Once the preliminary hearing is completed, CIR will once again forward the Detainer to the Classification Unit for review. The Classification Deputy shall determine if the inmate now meets the SB 54 criteria and check (no) or (yes) on the Detainer before returning it back to CIR. The appropriate changes shall also be made in VCIJIS. Once CIR receives the completed Detainer, the Information Request Form will be completed to indicate our agency's intention to comply and share information with ICE or to not comply and share no information with ICE. At this point, the inmate will be notified if our agency WILL or WILL NOT comply with ICE's request. That inmate notification will be made by a senior deputy assigned to the area where the inmate is housed.
- E. If the inmate does not meet the SB 54 criteria and the current fresh charge(s) do not qualify as violent/serious, a SB 54 check (no) will be placed onto the Detainer and returned to CIR for filing into the inmate's jacket. Once CIR receives the marked Detainer, the Information Request Form will be completed to indicate our agency's intention to **NOT** comply

and share **NO** information with ICE. This stage will also trigger an inmate notification by a senior deputy assigned to the area where the inmate is housed.

III. INMATE NOTIFICATION

If CIR completes an Information Request Form requiring inmate notification of ICE interest, the following shall occur:

- A. The Information Request Form will be forwarded to the housing unit where the inmate is located. A senior deputy will respond to meet with the inmate and they will complete the form together. The senior deputy shall ensure that the form is in the appropriate language for the inmate. If not, the senior deputy will contact CIR and obtain the Information Request Form with the correct language.
- B. If our agency DOES intend to comply with ICE's request, denoted by CIR on the Information Request Form, state law requires that the inmate be allowed to designate an attorney or another person of their choosing for our agency to notify upon release. If the inmate does not wish to designate anyone, the senior deputy will write, "Refused to designate" on the form. If the inmate does designate someone, that person's name shall be printed on the Information Request Form and a phone number or email will be listed below the name. The person designated will not be notified until the inmate is being processed for release.
 1. If the inmate does not know the name of their attorney, the words, "Unknown to Inmate" will be written in. Do not use, "N/A."
 2. If the inmate does not know the phone number of the person they designate, the words, "Unknown to Inmate" will be written in. Do not use, "N/A."
 3. The senior deputy will inquire of the inmate if they are represented by a private attorney. The **Yes** or **No** response will be noted in the appropriate check box.
 4. If an inmate is not represented by a private attorney, the assumption will be they are represented by the Public Defender's Office. If the inmate does not know or has yet to decide, the assumption will be that they will be represented by the Public Defender's Office.
 5. **In all instances where we DO intend to notify ICE, and where an inmate is represented or assumed to be represented by the Public Defender's office, a notification of name and booking number only will be immediately made by the senior deputy to the Public Defender's Office by emailing "Truthact@Ventura.org."**

- C. If our agency DOES NOT intend to comply with ICE's request, as denoted by CIR on the Information Request Form, no attorney designee is needed from the inmate on this form.
- D. It is important for the inmate to understand this notification so they can provide the appropriate responses. If it appears that there might be a language barrier, the senior deputy performing this notification shall make use of a qualified interpreter.
- E. After the Information Request Form is completed, the senior deputy will add his or her name, ID number and date to the bottom of the form. The senior deputy will provide the white copy of the Information Request Form and also a copy of the ICE Detainer to the inmate. The yellow copy of the Information Request Form will be returned to CIR. The inmate copy of the Information Request Form and the copy of the ICE Detainer will be given to the inmate whether our agency intends to notify ICE or not.
- F. CIR will maintain a list of all Information Request Forms they create and send out for inmate notification so that they can ensure all notifications are made and the forms returned to CIR.
- G. For inmates housed at the Todd Road Facility, CIR will communicate with records personnel at Todd Road to ensure the correct Information Request Form is filled out and sent to the inmate's housing area. Information Request Forms completed by Todd Road senior deputies will be sent back to Todd Road records for eventual transportation back to CIR.

IV. FINAL RELEASE NOTIFICATION

Upon release of a qualified SB 54 inmate falling under the provisions of this policy, the following shall occur:

- A. CIR will process the inmate's jacket and send an email to ICE notifying them that the inmate is being prepared for release. CIR will add this information to the **ICE Release Notification Form** and the inmate's jacket will be immediately provided to the PTDF Level 1 Senior Deputy.
- B. If the inmate provided an attorney or other designee for notification on the Information Request Form, the Level 1 Senior Deputy will contact the inmate's attorney or designee and inform that person of the inmate's impending release.
- C. The Level 1 Senior Deputy will clear the ICE flag in the inmate's VCIJIS profile and sign the "Final Release Notification" portion of the **ICE Release Notification Form**.

- D. A copy of the **ICE Release Notification Form** will be provided to the inmate and the remaining copies will be distributed by the PTDF Level 1 Senior Deputy per the list noted on the bottom of the form.
- E. Note: In the rare circumstance an inmate is being processed for release from the East Valley Jail and the department receives an ICE detainer for that inmate, the East Valley Deputy shall immediately notify the CIR Supervisor and Classification Deputy. The Classification Deputy shall determine if the inmate meets the SB 54 criteria and if so, the inmate shall be immediately transported to the PTDF for processing per the provisions of this policy. If the inmate does not meet the SB 54 criteria he/she shall be released accordingly.

V. TRUTH ACT DOCUMENTATION

All TRUTH Act paperwork associated with this policy will be maintained in the archived inmate jacket file.

VI. COMMUNITY FORUM PROVISION

The TRUTH Act requires that commencing on January 1st, 2018; the Sheriff's Office is required to hold at least one community forum each year to provide information to the public about ICE's access to individuals. The Sheriff's Office must receive and consider public comment.

- A. This forum will be coordinated by the PTDF Facility Manager.

VII. REPORT RECONCILIATION

- A. The PTDF Classification Unit shall ensure that the VCJIS generated Pending SB 54 Booking and Inmates with ICE Interest Indicator reports are reconciled on a regular basis. CIR personnel and the PTDF Classification Unit will work together to rectify any discrepancies that may exist.