

## 1206 – Immigration

Although enforcing immigration law is a federal government responsibility and not shared by members of OCSD, OCSD may allow members of Immigration and Customs Enforcement (ICE) into our custodial facilities for the purpose of interviewing inmates for immigration violations, provided the requirements of Government Code section 7283, et seq (the “Truth Act”) are met.

### 1206.1 – Immigration Interview Procedure

- a) The Facility Watch Commander shall be notified of an ICE Agent’s arrival and request to interview inmates for immigration violations.
- b) Prior to being interviewed, a Classification Deputy will provide the inmate with a written consent form (Truth Act Interview Consent Form) which is available in one of seven languages.
- c) The form will explain the purpose of the interview, the voluntary nature of the interview, and that the inmate may decline to be interviewed or may choose to be interviewed only with his or her attorney present.
- d) If the inmate chooses to have his or her attorney present, the interview will be postponed until the attorney can be present.
- e) Upon completion of the written consent form, the inmate will be provided with a duplicate copy and the original will be placed in the inmate’s record jacket.
- f) If the inmate agrees to be interviewed, a Classification Deputy will be assigned to escort the inmate to the ICE Agent’s location.

### 1206.2 –Receiving an Immigration Detainer

- a) Upon receiving an Immigration Detainer, Inmate Records shall provide a copy of the Immigration Detainer for the referenced inmate to Classification.
  1. This includes an Immigration Detainer placed by persons outside of OCSD, or already lodged on an inmate prior to their intake or after intake when the OCSD becomes aware of such Immigration Detainer.
- b) The on-duty Classification Sergeant, or in his or her absence, the on-duty Operations Sergeant will designate an on-duty Classification deputy or other deputy to provide a copy of the Immigration Detainer to the inmate and inform the inmate whether OCSD intends to comply with the Immigration Detainer in accordance with Government Code section 7282, et seq. (hereinafter the “Trust Act”).
- c) The on-duty Classification Sergeant, or in his or her absence, the on-duty Operations Sergeant will designate an on-duty Classification deputy or other deputy to provide the TRUTH Act Notification form (Rev 12/15/16) to the inmate to complete the name and address of the inmate’s attorney or other person whom the inmate may designate for the purpose of OCSD providing notice to that attorney or other person if ICE is notified of the inmate’s release date.
- d) Upon completion of the top portion of the Truth Act Notification form, the Classification deputy or other deputy will return the form to Inmate Records and the form will be placed in the inmate’s Inmate Record Jacket.

### 1206.3 – Screening Inmates in Accordance with the Trust Act

- a) All inmates who have an Immigration Detainer will be evaluated in accordance with the Trust Act. The evaluation will be conducted by an on-duty Classification Deputy designated by the on duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant.
- b) OCSD will comply with Immigration Detainers by notifying ICE and releasing the inmate to ICE custody when the referenced inmate qualifies in accordance with the Trust Act.
  1. Inmates who qualify under the Trust Act may be processed for release at Sentence Ending Date (SE Date) or Pre-trial release and released in-custody to ICE.
    - a. These inmates will not be held past their release date.

2. ICE will be notified in a timely manner for all inmates who qualify under the Trust Act to afford ICE the opportunity to pick up the inmate. ICE will not be notified if the inmate does not qualify under the Trust Act.

#### 1206.4 – Release of Inmates with an Immigration Detainer

- a) Records Supervisors will notify the on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant when an inmate with an Immigration Detainer is preparing for release.
- b) The on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant will designate an on-duty Classification deputy to screen the inmate per section 1206.3 above.
- c) When ICE is notified that an inmate is being, or will be released, on a certain date, the on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant will designate an on-duty Classification Deputy to promptly complete the bottom portion of the Truth Act Notification form and provide a copy of the original to the inmate, mail a copy of the original to the inmate's attorney or other person designated by the inmate and return the original to the inmate's Inmate Record Jacket.

#### 1206.5 – 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.