

DATE:	DECEMBER 28, 2017
NUMBER:	Q.4
SUBJECT:	VERIFICATION OF LEGAL STATUS CONFORMANCE TO IMMIGRATION LAWS
RELATED SECTIONS:	California Penal Code 834(b); Assembly Bill 2792

PURPOSE:

To establish guidelines for the verification of legal status and conformance to immigration laws of persons arrested and booked into Sheriff's custody, pursuant to California Penal Code Section 834(b).

POLICY:

Agents from the U.S. Immigration and Customs Enforcement Office of Detention and Removal (ICE/DRO) may be allowed access to Sheriff's booking facilities for the purpose of conducting screenings and interviews of those suspected of violating federal immigration laws. ICE/DRO agents may not conduct interviews of persons booked into Sheriff's custody unless the person consents to be interviewed. Persons of interest must be given a Consent Form for Immigration and Customs Enforcement Interview of Inmate (J-330 form) which explains the purpose of the interview; that it is voluntary; and that they may decline to be interviewed. Persons must provide written consent prior to facility staff arranging the interview with an agent from ICE.

PROCEDURE:

I. FACILITY ASSIGNMENT/ORIENTATION

- A. Facility sworn administrative staff (booking facilities) responsibilities.
 - 1. Provide ICE/DRO agents with an orientation to include the physical layout of the facility and familiarization of applicable rules and regulations. ICE/DRO agents are expected to conform to all applicable rules and regulations of the facility.
 - 2. Obtain contact information for each ICE/DRO agent allowed access into their respective facility as well as maintain an active ICE/DRO roster.
 - 3. Provide ICE/DRO agents access to the facility.

II. INTERVIEW OF INMATE

- A. An ICE/DRO agent, interested in interviewing an inmate, will fill out the top portion of the J-330 form and deliver it to the on duty classification deputy. During the classification interview, the classification deputy will present the J-330 form to the inmate. The classification deputy will explain the purpose of the consent form and options available to the inmate.

- B. Once the inmate has made a selection and signed the J-330 form or opted not to complete the form, the classification deputy will do the following:
 - 1. Complete the bottom portion of the form.
 - 2. Disseminate the copies per the distribution.
- C. Inmate Processing Division (IPD) staff will complete the 'Received by' section of the form and file the original in the inmate's custody record.

III. DETAINERS AND NOTIFICATIONS

- A. If an individual is determined to be in the United States illegally, or pending prosecution, ICE/DRO will furnish an Immigration Detainer-Notice of Action (I-247A) form to Jail Population Management Unit (JPMU) staff.
- B. The I-247A form has two crucial functions:
 - 1. Notifies the Law Enforcement Agency (in this case the Sheriff's Department) (LEA) that once an inmate of interest is no longer subject to the LEA's detention, ICE/DRO intends to assume custody.
 - 2. Requests the LEA to notify ICE/DRO as early as practicable (at least 48 hours, if possible) before the inmate is released from custody.
- C. Upon receiving the I-247A form, JPMU staff will review the inmate's criminal history and current charges to ensure compliance with notification request from ICE/DRO are in accordance with Senate Bill 54, Section 7285.5. A JPMU staff member will complete the Notice to Inmate of Immigration and Customs Enforcement Request and Intent to Notify (J-340 form) and check the appropriate box indicating that the I-247A form "meets criteria/approved" or "does not meet criteria/rejected." in either event, the I-247A form and J-340 form will be forwarded to IPD for processing and serving.

JPMU staff will make a Jail Information Management System (JIMS) log entry in the inmate's history using the "247A (approved) or 247R (rejected)" drop down; to reflect the selection made on the J-340 form.

IV. INTENT TO NOTIFY

- A. Upon IPD receiving an I-247A form and J-340 form, the Sheriff's Department must inform the inmate of their intent. Notification will be accomplished via the following forms: Notice to Inmate of Immigration and Customs Enforcement Request and Intent to Notify (J-340 form), Notice of Intent to Comply with Immigration and Customs Enforcement Request (J-335 form).
- B. If the inmate's release date is not known at the time of the request from ICE, IPD staff will utilize the J-340 form and attach a copy of the I-247A form. Sworn staff will assist IPD with the following:
 - 1. Present the J-340 form and attachment to the inmate.

2. Remove the attachment and give it to the inmate.
 3. Explain the purpose of the form and request signature from the inmate. Staff may check the "Inmate chose not to sign box," for those inmates that refuse to sign.
 4. Collect the J-340 form from the inmate and complete the bottom portion of the form.
 5. Provide a copy to the inmate (per the distribution) and return the original to IPD.
- C. If the inmate's release date is known at the time of the request from ICE, or once an inmate's release date is known, IPD will provide that information to ICE. IPD staff will fill out the J-335 form and attach a copy of the I-247A form. Sworn staff will assist IPD with the following:
1. Present the J-335 form and attachment to the inmate.
 2. Remove the attachment and give it to the inmate.
 3. Explain the purpose of the form, options available, and allow a few minutes to complete the form.
 4. Collect the form from the inmate and complete the bottom portion of the form.
 5. Provide a copy to the inmate (per the distribution) and return the remaining copy and original to IPD.
- D. If the inmate is a participant of County Parole and Alternative Custody (CPAC), an IPD staff member at a facility will work closely with IPD staff assigned to CPAC to ensure all forms are processed accordingly.
- E. The IPD staff member, receiving completed forms, will fill out the 'Received by' section of the form. If the inmate requested a notification be sent, per the J-335 form, the IPD staff member will prepare the documents to be mailed out. All original forms will be filed in the inmate's custody record.

V. RELEASE OF INMATE

In no event shall an inmate be held past their scheduled date of release or be delayed during the release process due to the issuance of an I-247A form.