

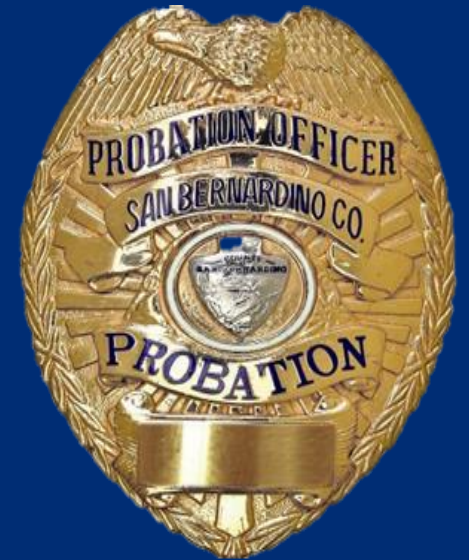


Sheriff/Coroner/Public Administrator Department  
and  
Probation Department

# Transparent Review of Unjust Transfers and Holds (TRUTH) Act Forum 2022



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## **January 2014 – Transparency and Responsibility Using State Tools (TRUST Act), Assembly Bill (AB) 4**

Prohibits law enforcement from honoring immigration detainers of undocumented persons if they were not in-custody for a serious crime.

## **January 2017 - Transparent Review of Unjust Transfers and Holds (TRUTH Act), AB 2792**

Mandates local jails and juvenile detention facilities to provide written consent to inmates informing them of their rights prior to an interview with United States Department of Homeland Security - Immigration and Customs Enforcement (ICE) personnel, and notify inmates when their release dates are provided to ICE.

## **January 2018 - California Values Act, Senate Bill (SB) SB 54**

Prohibits state and local law enforcement agencies from using agency or department money, facility, property, equipment or personnel to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes.

Pursuant to SB 54, the Probation Department DOES NOT:

- Inquire into an individual's immigration status.
- Detain a person based on a hold request from ICE.
- Participate in 287(g) agreements, wherein ICE designates officers to perform limited immigration law enforcement functions, or any program that deputizes police as immigration agents.
- Participate in border patrol activities, including warrantless searches.
- Use immigration agents as interpreters.
- Participate in taskforce operations when immigration enforcement is the primary purpose.
- Initiate contact with ICE to advise them of an individual's detention or immigration status.

## **Probation Department Protocol**

Probation Officers will comply/cooperate with ICE when there is an active Federal Warrant for Deportation.

- The Sheriff's Department may allow ICE personnel to conduct investigations only if doing so would not violate any federal, state, or local laws.
- ICE primarily conducts immigration enforcement by identifying in-custody inmates using biometric fingerprints during the booking process.
- Federal, state and local laws permit ICE to identify and detain undocumented individuals who pose a threat to public safety.

The Sheriff's Department WILL NOT:

- Enforce federal immigration laws or participate in immigration enforcement programs.
- Ask an inmate's immigration status for the purpose of immigration enforcement.
- Use ICE personnel as interpreters for Sheriff's Department related duties in the jails.

An inmate's citizenship and immigration status ARE NOT considered in the following:

- Housing
- Classification
- Access to any educational or rehabilitative services
- Credit-earning opportunities

ICE may enter a Sheriff's Department facility to conduct investigations or interview inmates, like any other law enforcement agency.

Prior to an interview, an inmate must first be informed of the:

- Purpose of the voluntary interview.
- Right to decline the interview.
- Right to have an attorney present during an interview.

Inmates receive these rights in writing with a Notification and Consent Form Re: Request for DHS/ICE Interview – Sheriff's Form ASU# 221610-D.

ICE has access to the Sheriff's jails like other law enforcement agencies.

ICE have access to:

- Intake area
- Inmate interview rooms
- Secure intake parking area
- Bridge

ICE DOES NOT have a dedicated workspace.



ICE can submit either of two requests to the Sheriff's Department:

- **Form I-247A**, asking the Sheriff's Department to provide a release notification, detain an inmate up to 48-hours past their county release date, and to transfer an inmate to ICE's custody or
- **Form I-247G**, asking the Sheriff's Department to only provide a release notification to ICE.

# Sheriff - ICE Holds/Detainers, Requests for Release Notifications, and Requests for Transfers (Continued)

The Sheriff's Department will:

- PROCESS THE REQUEST to determine whether, pursuant to Government Code sections 7284.6 and 7282.5, the Sheriff may comply with:
  - A request to provide a release notification and/or
  - A request to transfer.
- NOT AGREE TO HOLD/DETAIN an inmate longer than their regularly scheduled release date.
- NOTIFY the inmate of the ICE request and the Sheriff's Department's determination of any action it will take. The department will provide a copy of the ICE request and determination to the inmate and ascertain if the inmate would like the Sheriff to provide a copy of these documents to an attorney or designee

ICE personnel **are solely responsible** for making immigration-related arrests at a Sheriff's Department facility.

There is no designated area to arrest inmates scheduled for release. ICE arrests must occur in the jail's areas accessible to the public.

The Sheriff's Department **WILL NOT** directly transfer an inmate to ICE personnel unless the inmate meets the criteria under Government Code section 7282.5.

## **2022 Jail Statistics**

- Bookings: 55,970
- Foreign Born Individuals Booked: 5,845
- ICE Requests for Notifications: 756
- Eligible Notifications to ICE: 50
- ICE Transfers: 12
- ICE Arrests: 0

# Questions?

