


Santa Barbara County Sheriff's Office
Custody Operations – Policy and Procedures Manual

CHAPTER 2 ADMINISTRATION	210. ICE Communication	
Page 1 of 5	Revision Date: 10/2023	Review Date: 05/2024
Issued By:  Chief Custody Deputy	Issued Date: 01/2014	Effective Date: 01/2014
Related Orders: Assembly Bill No. 2792; Lexipol § 428-Immigration Violations; Government Code §§ 7282, 7282.5, 7283.1; Title 8		

PURPOSE:

To set guidelines for compliance with California's TRUTH Act, TRUST Act, and VALUES Act, within County Sheriff's Office jail facilities and for those persons having legitimate business within the Custody Operations branch relative to Immigrations enforcement.

II. POLICY:

The Santa Barbara County Sheriff's Office prohibits discrimination against persons due to immigration status. The Santa Barbara County Sheriff's Office adheres to applicable federal and state laws, regulations and guidelines by providing notification to incarcerated persons of communication between the Department of Homeland Security, Immigration and Customs Enforcement (ICE) and County Jail staff for the purpose of deportation and/or detention by ICE agents upon completion of commitments of incarceration.

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:

1. Prior to ICE contacting any individual in the Custody of the Sheriff, there must be consent by the use of Truth Act Form 1. Truth Act 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 being interviewed and/or may choose to be interviewed only with their attorney present.
2. The consent form shall be provided in the individuals preferred language utilizing Effective Communication in accordance with Custody Policy §209 – American's with Disabilities Act.
3. The individual may indicate whether he or she consents to the interview by marking the form.

Santa Barbara County Sheriff's Office
Custody Operations – Policy and Procedures Manual

CHAPTER 2 ADMINISTRATIVE	210. ICE Communication	
Page 2 of 5	Revision Date: 10/2023	Review Date: 05/2024

4. If the individual does not affirmatively consent for ICE to Interview, by signing the form, the individual shall not be made available for an ICE interview.
5. If the individual indicates that they are 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.
6. The officer must also sign and date the form, indicating that it has been provided to the individual in their preferred language, when this occurred and the signing officer observed the process.

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:

1. The Individuals criminal history will be reviewed for qualifying convictions. Once determined the individual has qualifying convictions, A Truth Act Form 2 will be provided to the individual indicating the department will comply with the request of ICE.
2. If the Department intends to comply with ICE's request, and the individual has been sentenced, the individual shall be given the opportunity to complete the notification form, Truth Act Form 3, with the contact information for their attorney or any other individual the incarcerated person chooses to designate.
3. If the Department notifies ICE that an individual is or will be released on a certain date and time the Department shall notify the individual's attorney or other designee, using the contact information provided by the individual on TRUTH Act Form 3. If notification to the incarcerated persons' 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 2.

IV. FORMS:

The forms listed below will be used to document and track all communication between ICE agents, individuals in custody, the Santa Barbara County Sheriff's Office. All form originals shall be retained in the incarcerated persons Record Jacket, copies shall be retained in individual monthly files and given to the Continuous Quality Assurance (CQA) Sergeant at the conclusion of each calendar month.

Truth Act Form 1 - shall be initiated upon an ICE agent requesting to interview anyone in

Santa Barbara County Sheriff's Office
Custody Operations – Policy and Procedures Manual

CHAPTER 2 ADMINISTRATIVE	210. ICE Communication	
Page 3 of 5	Revision Date: 10/2023	Review Date: 05/2024

the custody of the Sheriff. All participants in Alternative Sentencing programs must complete this form at the time of Booking, non-consent is not a determining factor for program participation. This form shall serve only as a Consent Request for Immigration and Customs Enforcement Interview.

Truth Act Form 2 - shall serve as notification of the Santa Barbara County Sheriff's Office intent to cooperate with ICE's intention to detain and/or deport the individual upon their release from the Sheriff's Custody. Individuals shall be given a copy of documentation received from Immigration and Customs Enforcement (ICE) regarding a hold, notification or transfer request along with information as to whether the Santa Barbara County Sheriff's Office intends to comply with the request (Government Code § 7283.1).

Truth Act Form 3 - shall serve as notification of ICE being notified of a determined date/time for scheduled release. This form shall also provide individuals the ability to request notification to be provided to an Attorney, Designee or both. Contact information must be provided at time of request. If the Santa Barbara County Sheriff's Office provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to their attorney or to one additional person who the individual may designate (Government Code § 7283.1).

V. PROCEDURES:

INTERVIEW PROCESS (Non-Compliant): Persons refusing ICE request for interview shall not be forced to participate and ICE's access to non-compliant persons shall be denied. Upon a refusal of ICE interview, the Truth Act Form 2 shall be provided to meet notification requirements.

INTERVIEW PROCESS (Compliant):

1. ICE shall provide Custody Records a list for request of persons of interest to interview.
2. Custody Records shall provide forms (Truth Act Form 1) to the Main Control Room (MCR) for distribution to the associated housing units.
3. MCR shall provide notification to the appropriate housing units via telephone or by radio.
4. Housing Module officers shall provide the form (Truth Act Form 1) to the identified subjects for timely completion.

Santa Barbara County Sheriff's Office
Custody Operations – Policy and Procedures Manual

CHAPTER 2 ADMINISTRATIVE	210. ICE Communication	
Page 4 of 5	Revision Date: 10/2023	Review Date: 05/2024

5. Module officers shall collect and return completed form(s) directly to Custody Records personnel for distribution.
6. Custody Records shall retain original forms in incarcerated persons' records jacket.

ICE INTERVIEW PROCESS: After receiving consent for interview, ICE agents may conduct their interviews at their discretion following local, state and federal statutes. ICE agents shall not be permitted to have contact with any individual refusing consent for interview.

1. ICE shall provide reasonable notice to Custody Records of their intent or decision to detain any person by submission of a Detainer or signed Federal Court Order.
2. ICE Shall be responsible for the detention and transportation of all persons taken into custody by ICE.
3. No persons shall remain in the custody of the Santa Barbara County Sheriff's Office beyond the time of their incarceration commitment.
4. All Incarcerated persons of ICE interest that are sentenced with posted release dates within JMS shall initiate the Truth Act Form 3 as described in Forms Section IV.

CUSTODY RECORDS PROCESS: After ICE conducts an interview and determination of immigration status and/or interest of deportation and/or detention by the Department of Homeland Security.

1. Upon receiving a Detainer or signed Federal Court Order requesting ICE detain any individual within the custody of the Sheriff. Custody Records shall implement the Truth Act Form 2 as described in Forms Section IV.
 - a. Custody Records shall initiate Truth Act Form 2 provided the individual is pre-sentenced and housed within one of Custody Operations facilities. The subjects name shall be identified and the form forwarded to the appropriate housing unit, via in-house mailbox system.
 - b. If the subject is participating in one of the Alternative Sentencing Programs the Form shall be forwarded to the appropriate program supervisor for notification and delivery.
2. Upon sentencing or after a final release date has been entered in JMS, Custody Records shall implement the Truth Act Form 3 as described in Forms Section IV.

Santa Barbara County Sheriff's Office
Custody Operations – Policy and Procedures Manual

CHAPTER 2 ADMINISTRATIVE	210. ICE Communication	
Page 5 of 5	Revision Date: 10/2023	Review Date: 05/2024

- a. Truth Act Form 3 shall be distributed; incarcerated persons are responsible for providing all contact information for individuals requested for notification.
 - i. Custody Records shall distribute notifications for all persons housed within Sheriff's facilities.
 - ii. Persons participating in Alternative Sentencing programs shall be notified by documented case manager.

NOTE: 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. (Government Code § 7283.1 (c)).