


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

CHAPTER 2 ADMINISTRATION	210. ICE Communication	
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Issued By:  4973 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		

I. 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.

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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-247A:

Upon receiving a Notice of Action I-247A 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.

III. 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 given to the Custody Records Manager immediately for data entry and record keeping.

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

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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).

ICE Notification Form – shall be completed after analyzing the individual's criminal history and will be used whether the individual qualifies under SB54 or not. This form will provide Custody Records with confirmation that the criminal history was examined and will indicate what steps will need to be taken upon the individuals release.

IV. 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

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radio.

4. Housing Module officers shall provide the form (Truth Act Form 1) to the identified subjects for timely completion.
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 Notice of Action I-247A requesting ICE detain any individual within the custody of the Sheriff. Custody Records shall start the process to determine qualification under SB54 for notification to ICE upon release. Once the Notice of Action I-247A is received, Custody Records shall process the individual's criminal history via RAPS run in GUS. Upon print of return, Custody Records will analyze and determine any prior convictions of the individual. Once convictions are located, the AOP must examine further to confirm if the convictions fall under the following categories – qualifying charge outlined under SB54 and falls under the allotted time frame of felony convictions within the last 15 years and misdemeanor convictions within the last five

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years.

a. DOES NOT QUALIFY UNDER SB54:

If no convictions are found in the RAPS run, Custody Records shall fill out the ICE Notification Form indicating "None of the above conditions are satisfied and ICE shall NOT be notified after the individual becomes eligible for release from custody". Two copies of this form will be printed for dispersal to the appropriate packets – packet one for the jacket which will contain the ICE Notification Form and Notice of Action I-247A, and packet two for the Custody Records Manager which will contain the ICE Notification Form, Notice of Action I-247A, and the RAPS run for input into ICE Data sheet (excel). Lastly, Custody Records will need to add an Active Inmate Alert flag in JMS indicating "ICE REQUEST RECEIVED".

b. DOES QUALIFY UNDER SB54:

If convictions are found in the RAPS run, Custody Records shall fill out the ICE Notification Form indicating "The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony, or has been convicted within the last 15 years of a felony for any offenses outlined in the TRUST Act." and provide the conviction date and charge(s). Two copies of this form will be printed for dispersal to the appropriate packets – packet one for the jacket which will contain the ICE Notification Form and Notice of Action I-247A, and packet two for the Custody Records Manager which will contain the ICE Notification Form, Notice of Action I-247A, and the RAPS run for input into ICE Data sheet (excel).

Custody Records shall initiate Truth Act Form 2 provided the individual is pre-sentenced and housed within one of the Custody Operations facilities, a copy of the Notice of Action I-247A will be provided to the individual at this time. The subjects name shall be identified and the form forwarded to the appropriate housing unit, via in-house mailbox system. 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. Once the completed Truth Act Form 2 is received, Custody Records shall add the form into the individual's jacket and a copy is made for the Custody Records Manager.

Lastly, Custody Records will need to add two Active Inmate Alert flags in JMS indicating "ICE REQUEST RECEIVED" and "ICE SB54 QUALIFIED".

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c. DID NOT INITIALLY QUALIFY BUT LATER CONVICTED ON QUALIFYING CHARGE UNDER SB54.

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. If the individual did not initially qualify under SB54 but qualified after a recent sentence, follow step b above.

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

2. Once a qualifying individual under SB54 is being processed for release, Custody Records shall email the appropriate parties to notify them of the upcoming release.
3. Emails shall be sent to ICE and designees at the Public Defender's office to the following addresses:

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. Any emails to these parties [REDACTED] will always include [REDACTED] and the following format:

Jail:
Inmate name:
DOB:
Booking #:
No or FBI#:
Release Date:

The above inmate will be released sometime in the next few hours. I have attached your notification for reference.

Once the email has been sent to the appropriate parties, Custody Records will need to add an additional Active Inmate Alert flag in JMS indicating "ICE NOTIFIED".

3. If ICE arrives at the facility prior to the individuals release from our custody, they will be granted the opportunity to re-arrest the individual. To reiterate, no individual's

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release shall be delayed to allow the opportunity for ICE to re-arrest. Upon re-arrest, an ICE Re-arrest Receipt will need to be filled out by the ICE Officer and forwarded to the Custody Records Manager to input in the ICE Data Sheet (excel).

If ICE re-arrests the individual, Custody Records will need to add the last Active Inmate Alert flag in JMS indicating "ICE REARREST".

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)).