



Sheriff/Coroner/Public Administrator Department  
and  
Probation Department

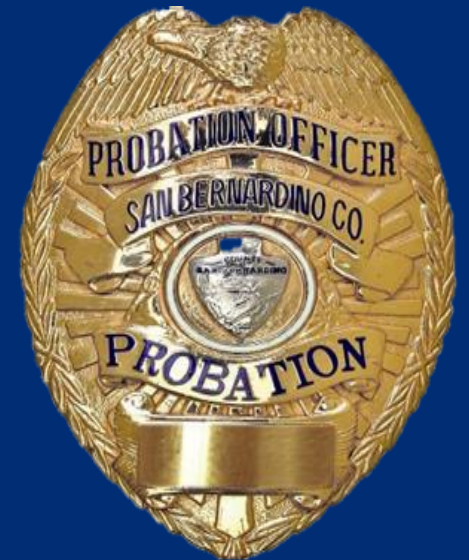
# Transparent Review of Unjust Transfers and Holds (TRUTH) Act Forum 2024



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# History

## **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.

# Probation Department

Pursuant to SB 54, the Probation Department DOES NOT:

- Inquire into an individual's immigration status for the purpose of immigration enforcement.
- 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.

# Sheriff's Department - Interactions with ICE

- 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.

# Sheriff's Department - Responsibilities in Relation to Immigration

In relation to immigration, 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.

# Sheriff's Department - Housing/Classification/Programming

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

# Sheriff's Department – ICE Interviews

ICE may enter a Sheriff's 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 in a form called, "Notification and Consent Form re: Request for DHS/ICE Interview."

# Sheriff's Department – ICE Access

ICE has access to the Sheriff's detention facilities, like other law enforcement agencies:

- Intake area
- Inmate interview rooms
- Secure intake parking area
- Release areas

ICE DOES NOT have a dedicated workspace.



# Sheriff's Department - ICE Holds/Detainers, Requests for Release Notifications, and Transfers

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

- **Form I-247A**, asking the Sheriff's Department to provide a release notification, hold/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's Department - ICE Holds/Detainers, Requests for Release Notifications, and 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 Sheriff 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.

# Sheriff's Department - ICE Arrests and Transfers

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

The Sheriff's Department WILL NOT directly transfer an inmate to ICE personnel unless ICE has requested the transfer in writing and the inmate meets the criteria for a transfer under Government Code section 7282.5.

<b>2023 ICE REQUESTS AND ACTIONS TAKEN</b>	
<b>ICE Requests for Notification of Inmate Release and/or Hold/Transfer Received</b>	<b>1019</b>
<b>Notifications of Inmate Release Made</b>	<b>76</b>
<b>Inmate Transfers into ICE Custody Made</b>	<b>4</b>
<b>Hold Requests Honored</b>	<b>0</b>

# Sheriff's Department – Publication Dates of Forum Notices

Public Notices advising of the forum taking place on November 19, 2024, were published as follows:

- October 11, 2024
  - La Prensa (Spanish language)
- October 13, 2024
  - The San Bernardino Sun
  - The Daily Press
  - The Press-Enterprise

# Questions?

