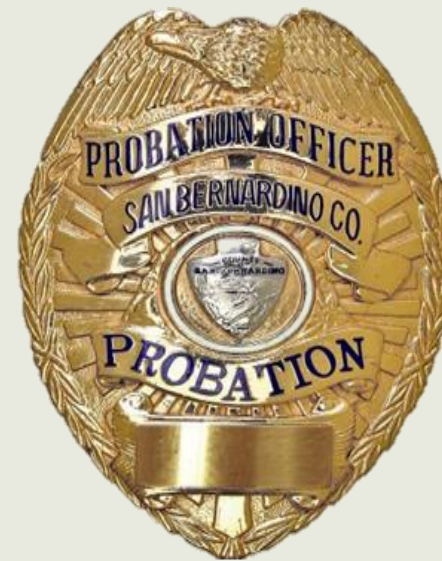


# San Bernardino County TRUTH Act Forum 2020



# History

## **TRUST Act (AB4) (January 2014)**

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

## **TRUTH Act (Transparent Review of Unjust Transfers and Holds) (AB2792) (January 2017)**

Mandates local jails and juvenile detention facilities to provide written consent to inmates informing them of their rights prior to an interview with ICE personnel, and notify inmates when their release dates are provided to ICE.

## **California Values Act (SB 54) (January 2018)**

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

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 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.

Department Protocol:

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

# SBSD and ICE Interactions

- 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.

# SBSD Responsibilities 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.

*(SB 54 - January 2018)*

# Housing / Classification / Programming Considerations

Currently, citizenship and immigration status **ARE NOT** considered in the following:

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

# ICE Interviews

ICE may enter a SBSB 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
- Their right to decline the interview
- The right to have an attorney present during an interview

Inmates receive these rights in writing with a Consent to Immigration and Customs Enforcement Interview.

# ICE Access to SBSD Jails

ICE has access to the facility, like other law enforcement agencies.

They have access to:

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

ICE **DOES NOT** have a dedicated workspace.



# ICE Holds/Detainers

ICE can submit an Immigration Detainer form (I-247D) requesting we hold an inmate 48 hours past their release date.

- SBSD staff will review the request in relation to an inmate's release date.
- SBSD **WILL NOT** hold an inmate longer than their regularly scheduled release date based on the Immigration Detainer.
- SBSD **WILL NOTIFY** an inmate of the hold/detainer request, its denial, and provide two copies of the request to the inmate.
- SBSD utilizes the Immigration and Customs Enforcement Notification of Request Form to notify the inmate. Two copies of the form are given to the inmate, and one is provided to their attorney/designee, if requested.

# ICE Notifications

ICE Request for Notification form (I-247N) requests SBSB to notify ICE prior to releasing an inmate from our custody.

- SBSB can provide release date information if the information is available to the public or the inmate meets release of information requirements. (Booking photographs, work and home addresses are not provided.)
- The inmate is notified whether SBSB intends to comply with the request. Two copies of the form are given to the inmate, and one is provided to their attorney/designee, if requested.

# ICE Transfer

SBSD can transfer an inmate to immigration authorities when:

- Authorized by a judicial warrant.
- Judicial probable cause determination from a federal judge.
- In accordance with Government Code Section 7282.5 (list of qualifying crimes/priors)

*Applicable serious/violent felonies are identified in Penal Code Sections 667.5 and 1192.7 as well as Government Code Section 7282.5.*

# ICE Arrests and Transfers

ICE personnel are solely responsible for making immigration related arrests at an SBSD facility.

- There is no designated area to arrest inmates scheduled for release, ICE arrests must occur in areas accessible to the public (SB 54).
- SBSD **WILL NOT** directly transfer an inmate to ICE personnel unless there is an arrest warrant signed by a federal judge/magistrate or the inmate meets the criteria.

# Statistical Considerations

## 2019 Jail Statistics

- Bookings: 78,493
- Releases: 78,464
- Foreign born individuals booked: 7,875
- ICE Requests/Detainers/ holds to date: 692
- Notifications to ICE: 83
- ICE Arrests: 221

