

DATE:	DECEMBER 18, 2019
NUMBER:	Q.4
SUBJECT:	VERIFICATION OF LEGAL STATUS AND CONFORMANCE TO IMMIGRATION LAWS
RELATED SECTIONS:	California Penal Code 834(b); Assembly Bill 2792

PURPOSE

To establish guidelines for the verification of legal status and conformance to immigration laws of persons arrested and booked into Sheriff's custody, pursuant to California Penal Code Section 834(b).

POLICY

Agents from the U.S. Immigration and Customs Enforcement Office of Detention and Removal (ICE/DRO) may be allowed access to Sheriff's booking facilities for the purpose of conducting screenings and interviews of those suspected of violating federal immigration laws. ICE/DRO agents may not conduct interviews of persons booked into Sheriff's custody unless the person consents to be interviewed. Persons of interest must be given a Consent Form for Immigration and Customs Enforcement Interview of Inmate (J-330) form which explains the purpose of the interview; that it is voluntary; and that they may decline to be interviewed. Persons must provide written consent prior to facility staff arranging the interview with an agent from ICE.

PROCEDURE

I. FACILITY ASSIGNMENT/ORIENTATION

- A. Facility sworn administrative staff (booking facilities) responsibilities.
 - 1. Provide ICE/DRO agents with an orientation to include the physical layout of the facility and familiarization of applicable rules and regulations. ICE/DRO agents are expected to conform to all applicable rules and regulations of the facility.
 - 2. Obtain contact information for each ICE/DRO agent allowed access into their respective facility as well as maintain an active ICE/DRO roster.
 - 3. Provide ICE/DRO agents access to the facility.

II. INTERVIEW OF INMATE

- A. Prior to meeting with any inmate, an ICE/DRO agent must go to the facility information window to complete the necessary paperwork and schedule the requested visit(s). The ICE/DRO agent must fill out the top portion of the J-330 form(s) and submit it to the detention information assistant (DIA). In addition, the DIA will provide the ICE/DRO agent with a Request to Interview (J-47) card to complete for each inmate the agent is requesting to interview. The DIA will confirm the inmate's housing assignment and forward the J-330 form to the on-duty Detention Processing Supervisor (DPS)/designee.

- B. The DPS/designee will make a copy of the J-330 form and immediately forward the J-330 form to the on-duty classification deputy or available sworn staff (e.g., rover deputy, housing deputy, etc.).
1. The classification deputy will present the J-330 form to any inmate that is in the booking process. Available sworn staff will present the J-330 form to any inmate that has been housed.
 2. The J-330 form will be presented to the inmate in the available preferred language [interpreter services are obtainable per Detention Services Bureau Policy and Procedure (DSB P&P) Q.7]. The classification/sworn staff will explain the purpose of the consent form and options available to the inmate.
- C. Once the inmate has made a selection and signed the J-330 form or opted not to complete the form, the classification/sworn staff will:
1. Complete the bottom portion of the J-330 form.
 2. Provide the inmate with a copy of the J-330 form.
 3. Promptly return the signed copy of the J-330 form to the DPS/designee.
- D. Upon receipt of the J-330 form, the DPS/designee will review the J-330 form(s) and make the appropriate log entry in JIMS, indicating the form has been received:
1. If the J-330 form indicates: I do not agree to be interviewed by an agent of ICE, the interview will not be scheduled (330N).
 2. If the J-330 form indicates: I agree to be interviewed by an agent of ICE without my lawyer, the professional visit may be scheduled in accordance with DSB P&P P.15 (330W).
 3. If the J-330 form indicates: I agree to be interviewed by an agent of ICE, but only if my lawyer is present, the ICE agent will be informed that the visit cannot be scheduled. The J-330 form will be forwarded to the on-duty DPS who will generate an email to the inmate's lawyer according to established procedures. The DIA will advise the ICE agent that the inmate has been notified of their request and will contact their attorney in order to make arrangements for the interview (330L).
- E. The DPS/designee will notify the DIA, assisting the ICE/DRO agent, if the visit may be scheduled and assign a detention processing technician to update the ICE Quality Assurance (J-344) form.
- F. At the conclusion of the visit, the Inmate Processing Division (IPD) staff will:
1. Log the ICE/DRO agent out on the J-4 Professional Visitor Log form.
 2. File the original J-330 form in the inmate's custody record.

3. The J-47 card will be maintained for statistical purposes.

III. ICE NOTIFICATIONS

- A. If an individual is determined to be in the United States illegally, or pending prosecution, ICE/DRO will furnish an Immigration Detainer-Notice of Action (I-247A) form to Jail Population Management Unit (JPMU) staff.
- B. The I-247A form has two crucial functions:
 1. Notifies the Law Enforcement Agency (in this case the Sheriff's Department) (LEA) that once an inmate of interest is no longer subject to the LEA's detention, ICE/DRO intends to assume custody.
 2. Requests the LEA to notify ICE/DRO as early as practicable (at least 48 hours, if possible) before the inmate is released from custody.
- C. Upon receiving the I-247A form, JPMU staff will:
 1. Review the inmate's criminal history and current charges to ensure compliance with notification request from ICE/DRO are in accordance with California Senate Bill 54 (SB 54), Section 7282.5.
 2. Complete the Notice to Inmate of Immigration and Customs Enforcement Request and Intent to Notify (J-340) form and check the appropriate box indicating that the I-247A form "meets criteria/approved" or "does not meet criteria/rejected."
 3. Make a JIMS log entry in the inmate's history using the "247A (approved) or 247R (rejected)" drop-down; to reflect the selection made on the J-340 form.
 4. Forward the J-340 form to IPD for processing and serving.

IV. INTENT TO NOTIFY

- A. Upon IPD receiving an I-247A form and J-340 form, the Sheriff's Department must inform the inmate of their intent. Notification will be accomplished via the J-340 form and or Notice of Intent to Comply with Immigration and Customs Enforcement Request (J-335 form).
- B. If the inmate's release date is not known at the time of the request from ICE, IPD staff will utilize the J-340 form and attach a copy of the I-247A form. Sworn staff will assist IPD with the following:
 1. Present the J-340 form and attachment to the inmate.
 2. Remove the attachment and give it to the inmate.

3. Explain the purpose of the form and request a signature from the inmate. Staff may check the "Inmate chose not to sign box," for those inmates that refuse to sign.
 4. Collect the J-340 form from the inmate and complete the bottom portion of the form.
 5. Provide a copy to the inmate (per the distribution) and return the original to IPD. IPD will make a JIMS log entry in the inmate's history.
- C. If the inmate's release date is known at the time of the request from ICE, or once an inmate's release date is known, IPD will provide that information to ICE. IPD staff will fill out the J-335 form and attach a copy of the I-247A form. Sworn staff will assist IPD with the following:
1. Present the J-335 form and attachment to the inmate.
 2. Remove the attachment and give it to the inmate.
 3. Explain the purpose of the form, options available, and allow a few minutes to complete the form.
 4. Collect the form from the inmate and complete the bottom portion of the form.
 5. Provide a copy to the inmate (per the distribution) and return the remaining copy and original to IPD.
 6. The IPD staff member, receiving completed forms, will:
 - a. Fill out the 'Received by' section of the form. If the inmate requested a notification be sent, per the J-335 form, the IPD staff member will prepare the documents to be emailed out.
 - b. Make a JIMS log entry in the inmate's history.
 - c. Ensure all original forms are filed in the inmate's custody record.
- D. If the inmate is a participant of County Parole and Alternative Custody (CPAC), an IPD staff member at a facility will work closely with IPD staff assigned to CPAC to ensure all forms are processed accordingly.

V. RELEASE OF INMATE

- A. In the interest of public safety and facility security, law enforcement officers from other agencies are discouraged from arresting any individual in the lobby or waiting area of a facility after their release from Sheriff's custody.
- B. In no event shall an inmate be held past their scheduled date of release or be delayed during the release process due to the issuance of an I-247A form.

- C. Release of individuals to federal law enforcement officers for the purpose of immigration enforcement purposes must take place in the secure area of the facility and only if the person being released meets the qualifying charge criteria per SB 54. The federal law enforcement officer should call the facility to coordinate with IPD staff of the pick-up; however, absent a federal warrant, no release will be delayed. These types of releases will be verified and witnessed by IPD staff. Facilities will designate a secure area (e.g., processing) for the pick-up of individuals that meet all criteria and have been verified for pick-up.