



SAN DIEGO COUNTY COMMUNITY FORUM

Sheriff William D. Gore
November 13, 2018

TRUTH ACT

Assembly Bill No. 2792

CHAPTER 768

An act to add Chapter 17.2 (commencing with Section 7283) to Division 7 of Title 1 of the Government Code, relating to local government.

[Approved by Governor September 28, 2016. Filed with Secretary of State September 28, 2016.]

AB 2792, Bonta. Local law enforcement agencies: federal immigration policy enforcement: ICE access.

Government Code Section 7283 (d)

ICE access means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:

- (1) Responding to an ICE hold, notification, or transfer request.
- (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
- (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- (4) Allowing ICE to interview an individual.
- (5) Providing ICE information regarding dates and times of probation or parole check-ins.

San Diego County Sheriff's Department Policies

Pursuant to Assembly Bill No. 2792, SDSO adopted the following policies:

Department P&P, Section 6.47 - Immigration Law: Enforcement

"The Sheriff's Department shall not use agency resources or personnel to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes."

Detention P&P, Section Q.4 - Verification of Legal Status Conformance to Immigration Laws

"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."

ICE I-247A Form

- In April of 2017, ICE consolidated their forms and created an I-247A form, Immigration Detainer Notice of Action.

DEPARTMENT OF HOMELAND SECURITY IMMIGRATION DETAINER - NOTICE OF ACTION	
Subject ID Event #	File No Date
TO (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM (Department of Homeland Security Office Address)
Name of Alien _____	
Date of Birth _____	Citizenship _____ Sex _____
1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).	
<input type="checkbox"/> A final order of removal against the alien <input type="checkbox"/> The pendency of ongoing removal proceedings against the alien <input type="checkbox"/> Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or, notwithstanding such status, is removable under U.S. immigration law; and/or <input type="checkbox"/> Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law	
2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).	
<input type="checkbox"/> Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.	
IT IS THEREFORE REQUESTED THAT YOU:	
* Notify DHS as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling <input type="checkbox"/> U.S. Immigration and Customs Enforcement (ICE) or <input type="checkbox"/> U.S. Customs and Border Protection (CBP) at _____ If you cannot reach an office at the number(s) provided, please contact the Law Enforcement Support Center at (802) 872-6020.	
* Maintain custody of the alien for a period NOT TO EXCEED 48 HOURS beyond the time when he/she would otherwise have been released from your custody to allow DHS to resume custody. The alien must be served with a copy of this form for the detainer to take effect. The detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.	
* Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.	
* Notify this office in the event of the alien's death, hospitalization or transfer to another institution.	
<input type="checkbox"/> If checked, please cancel any detainer related to this alien previously submitted to you on _____ (date).	
_____ (Name and title of Immigration Officer) (Signature of Immigration Officer) (Sign in ink)	
Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.	
TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:	
Please provide the information below, sign and return to DHS by mailing, emailing or faxing a copy to _____	
Local Booking/Inmate # _____	Estimated release date/time _____
Date of latest criminal charge/conviction _____	Last offense charged/conviction _____
This form was served upon the alien on _____ in the following manner:	
<input type="checkbox"/> in person <input type="checkbox"/> by inmate mail delivery <input type="checkbox"/> other (please specify) _____	
_____ (Name and title of Officer) (Signature of Officer) (Sign in ink)	

Government Code Section 7283.1 (a) and 7283.1 (b)

- **J-330 form** - Consent form for Immigration and Customs Enforcement (ICE) Interview of Inmate
- **J-335 form** - Notice of Intent To Comply With Immigration And Customs Enforcement (ICE) Request
- **J-340 form** - Notice To Inmate of Immigration and Customs Enforcement (ICE) Request And Intent to Notify