



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.

In accordance with the TRUTH Act, Government Code Section 7283.1 (d) any law enforcement agency that has provided ICE access to an individual during the last year shall hold at least one community forum during the following year.

At this forum I will provide information on data that was maintained in relation to ICE access to individuals within county jails. Additionally, I will outline the documents used to ensure compliance with the TRUTH Act and provide information on changes we have made in our data collection process.

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.

In 2017, the San Diego County Sheriff's Department provided ICE access as defined in Government Code Section 7283 (d). The Department provided ICE with advance notification of an individual's release date for certain charges, specifically individuals convicted of a serious or a violent felony and allowed ICE to interview individuals. All of the aforementioned actions were done in compliance with the TRUTH Act.

The Sheriff's Department maintains a database containing Criminal Justice Information (CJI) that has several applications which contain criminal history information. In compliance with Senate Bill 54, ICE is permitted to access these databases to obtain information on individuals who have a criminal history to include prior criminal arrest or convictions. We are currently reviewing the Attorney General's Information Bulletin issued on October 1, 2018 on Database Guidance, to ensure we are

following the best practices regarding non-criminal history information contained within the databases.

The Sheriff's Department does not provide ICE with information regarding probation nor 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."

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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

Upon receiving an I-247A request from ICE, a copy of the request is provided to the individual. Prior to allowing an interview between ICE and an individual in custody; we provide the individual with a J-330 written consent form, that explains the purpose of the interview, explains the interview is voluntary, and informs the individual they may decline to be interviewed or may choose to be interviewed only with his or her attorney present.

If we provide ICE with notification that an individual is being, or will be released on a certain date, we also provide the same notification in writing to the individual and to their attorney or to one additional person who the individual has designated. The notification is done using the J-335 form if the release date is known or the J-340 form if the release date is unknown. At the request of the California Immigrant Policy Center an email

notification is sent to the individual's attorney or designee if the email address is known.

The consent forms are available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean as required by the TRUTH Act.

Sheriff's Department ICE Access Forms (J-330, J-335 and J-340)

2017	Consent to Interview (J-330)	Consent to Interview with Attorney (J-330)	Refuse Interview (J-330)	Notification of ICE Request (J-340)	Notification of Release Date (J-335)	Released to ICE
Total	195	132	208	682	597	1143

In early 2017, We worked collaboratively with the California Immigrant Policy Center to ensure our forms contained the proper notifications required by the TRUTH Act. The Department also adopted many of the suggestions provided by the California Immigrant Policy Center and routinely accommodated requests for statistical information. At the request of the aforementioned policy advisors; we conducted a manual count of ICE access by tracking the J-330, J-335 and J-340 forms submitted to custody records.

In 2017, based on the manual count approximately 1143 individuals were released to ICE.

Questions ?