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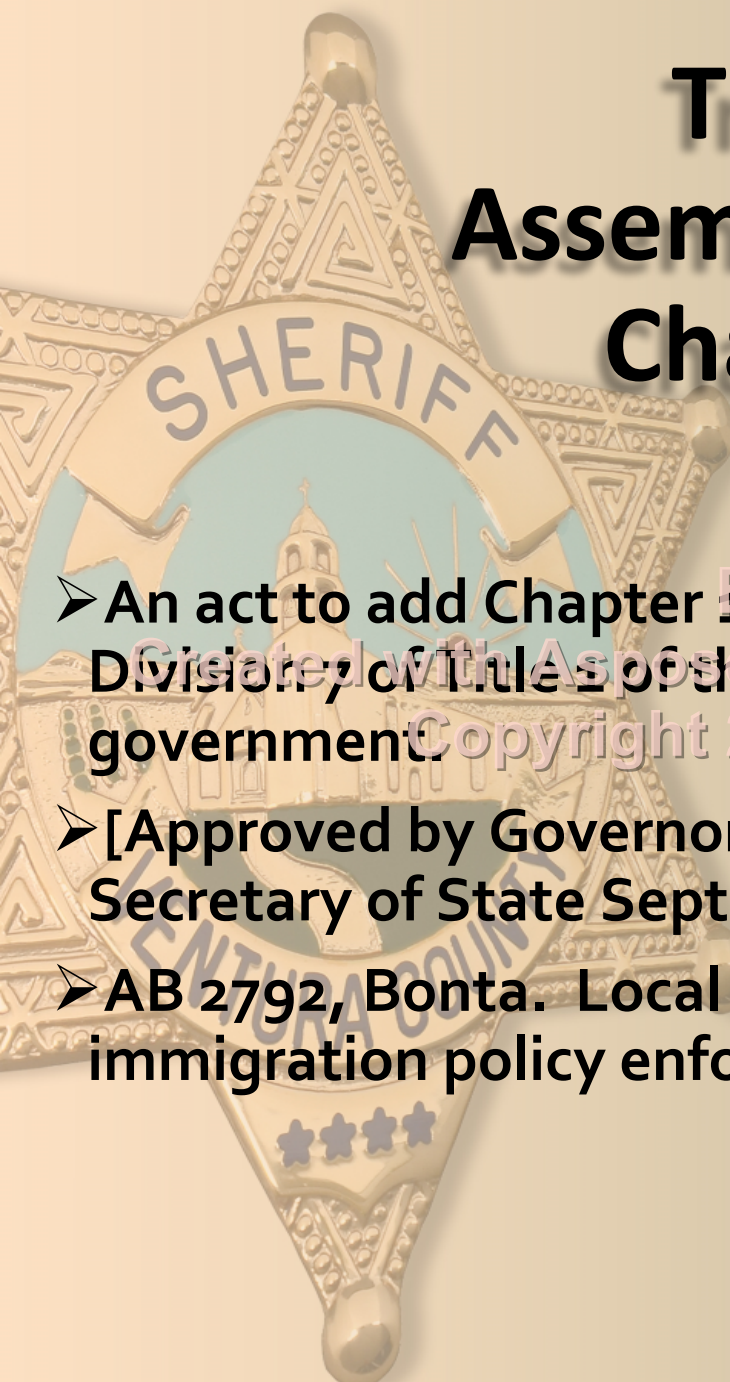
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COMMUNITY FORUM – TRUTH ACT

Ventura County Sheriff

Sheriff Bill Ayub
November 2020



Truth Act

Assembly Bill 2792

Chapter 768

- An act to add Chapter 7.2 (commencing with section 7283) to Division 7 of Title 2 of the Government Code, relating to local government. **Evaluation only**
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- [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 7283.1(d)

- Beginning January 1, 2018, the local governing body of any county, city, or city and county in which a local law enforcement agency has provided ICE access to an individual during the last year shall hold at least one community forum during the following year, that is open to the public, in an accessible location, and with at least 30 days' notice to provide information to the public about ICE's access to individuals and to receive and consider public comment

Government Code Section 7283.1(d)

- The local law enforcement agency may provide the governing body with data it maintains regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access, the date ICE access was provided and whether the ICE access was provided through a hold, transfer, or notification request or through other means.
- Data may be provided in the form of statistics or, if statistics are not maintained, individual records, provided that personally identifiable information shall be redacted.

Government Code Section 7283.1(d)

- “ICE access” means, for the purpose 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:
 - Responding to an ICE hold, notification, or transfer, or detainers.
 - 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.
 - Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
 - Allowing ICE to interview an individual.
 - Providing ICE information regarding dates and times of probation or parole

Ventura County Sheriff Policy 415

- It is the policy of the VCSO that all members make personal and professional commitments to equal enforcement of the law and equal service to all members of the public regardless of their immigration status.
- VCSO deputies will not be involved in field level immigration enforcement.

Policy 415

Ventura County Sheriff's Office
Ventura County SD Policy Manual

Immigration Violations

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Ventura County Sheriff's Office for understanding our role as it relates to Federal Immigration Policy.

415.2 POLICY

It is the policy of the Ventura County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to all members of the public regardless of their immigration status.

415.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

415.4 ICE REQUESTS FOR ASSISTANCE

Deputies will not be involved in field level immigration enforcement.

Requests by ICE, or any other federal agency, for assistance from this department should be directed to the Watch Commander or Bureau Captain. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

415.5 INFORMATION SHARING

No member of this Department will prohibit, or in any way restrict, any other member from doing any of the following regarding citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

Notice to individuals in custody should be handled according to the Detention Services Divisional Policy and Procedures Manual.

ICE Immigration Detainer I-247 A Form

- Effective April 2017, ICE consolidated their I-247 forms and created an I-247 A form which is an Immigration Detainer - Notice of Action
- The Ventura County Sheriff's Office does not hold individuals in our custody past their release dates.

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).

☐ A final order of removal against the alien;
☐ The pendency of ongoing removal proceedings against the alien;
☐ A final confirmation of the alien's identity and a post-check of federal database (but affirming, by themselves or in addition to other reliable information, that the alien's immigration status is not lawfully standing such status is removable under U.S. immigration law, and/or
☐ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or is removable under U.S. immigration law.

2. DHS HAS REQUESTED THE ALIEN TO SUBMIT TO A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

☐ 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 ☐ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at _____ If you cannot reach an official 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 assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This 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.

☐ If checked: please cancel the 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:

☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

(Name and title of Officer)

(Signature of Officer) (Sign in ink)

DHS Form I-247A (3/17) Page 1 of 3

Government Code Section 7283.1(a)

- Upon receiving ICE Immigration Detainer, the law enforcement agency shall provide a copy to the individual and inform him or her whether the agency intends to comply with the request.
- ICE Immigration Detainers are sent to the jail after booking.
- Patrol stations do not receive these detainers.

Ventura County Sheriff – ICE Interview Consent Form

- Individuals are informed of ICE requests to interview as well as their rights under the Truth Act.
- Individuals may refuse to speak to ICE.
- Individuals may agree to speak to ICE with an attorney present.
- Individuals may agree to speak to ICE without an attorney present.

VENTURA COUNTY SHERIFF'S OFFICE Detention Services Division

ICE Interview Consent Form - AB 2792 Truth Act

- ☐ Solicito recibir este formulario en español. / I request to receive this form in Spanish.
☐ 請寄來中文表格。 / I request to receive this form in Chinese.
☐ Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
☐ Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
☐ 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

This notice is to inform you that Immigration and Customs Enforcement ("ICE") wants to interview you, either in person or by phone, to get information that they may use to try to deport you. **You have the right to agree or to refuse this interview.**

This notice is intended to provide you with information about your rights:

- (1) **ICE interview is voluntary.** You can say no to an interview by ICE.
- (2) **You have the right to remain silent.** Even if you decide to say yes to an interview, you can refuse to answer any questions, including questions about your immigration status. This includes where you were born and how you came to the United States. Anything you say may be used against you in criminal and/or immigration proceedings. You should not sign any forms you do not understand.
- (3) **You may request to have an attorney present during any interview.** If you request an attorney in this form below, the jail may not bring you to an ICE interview without your attorney present.
- (4) **If you are already in removal (deportation) proceedings,** you have the right to have your immigration lawyer present during any questioning. You should tell ICE to contact your attorney (if you have one) before the interview.

By checking the box and signing below, you are indicating whether or not you agree to an interview with ICE. The jail or police officer will inform ICE of your decision. The jail is only allowed to bring you to an ICE interview if you agree.

Name: _____ Booking #: _____

Signature: _____

- _____ I do **not** agree to speak to ICE.
_____ I agree to speak with ICE, **only** with my attorney present.
_____ I agree to speak with ICE, **without** an attorney present.

FOR LAW ENFORCEMENT PERSONNEL:

Served by : _____ ID #: _____ Date: _____

***This form is to be maintained in the archived inmate jacket after release.**

Distribution:

White – Inmate Jacket

Yellow – Legal

Pink – Inmate

Ventura County Sheriff – Inmate Notification Forms

- VCSO provides written notice to individuals upon receipt of a detainer or notifications of release or release dates.

VENTURA COUNTY SHERIFF'S OFFICE
Detention Services Division
ICE Information Request Form - AB 2792 Truth Act

☐ Solicito recibir este formulario en español. / I request to receive this form in Spanish.
☐ 請寄來中文表格。 / I request to receive this form in Chinese.
☐ Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
☐ Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
☐ 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Date: _____
Inmate Name: _____ Booking #: _____

The purpose of this letter is to inform you that Immigration and Customs Enforcement (ICE) has requested that _____
_____ How long for up to 48 hours after your release from immigration custody will allow ICE time to take you into immigration detention. (I-247 or I-247D)
_____. Notify ICE of your release date, so that ICE may detain you. (I-247N)
_____. Transfer you into immigration detention. (I-247X or other request)

Under the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, we are required to provide you with a copy of ICE's request and inform you whether we intend to comply with the request. A copy of the request is attached.

We DO/DO NOT intend to comply with ICE's request.
(check one)

You will promptly receive a separate letter if we notify ICE of your release date.

We are required to notify both you and your attorney OR another person that you choose if we notify ICE of your release. Please provide contact information, including phone number and/or email, for your attorney OR another person that you choose and return to CIR.

Are you represented by a private attorney? YES NO **JAIL STAFF** - If No, and we intend to notify ICE, then an email must be sent to TruthAct@ventura.org with the inmate's name and booking number.

Name of Attorney OR Designee (choose one): _____
Email or Phone Number for Attorney or Designee: _____
Do Not put "N/A" unless we are not intending to notify ICE at release. If the inmate refuses, then note "Refused".

FOR LAW ENFORCEMENT PERSONNEL:
Served by: _____ ID #: _____ Date: _____

****Return Completed form to CIR for placement into Inmate Jacket****

Distribution: Original – Inmate Jacket Yellow – Legal Unit Pink – Inmate

VENTURA COUNTY SHERIFF'S OFFICE
Detention Services Division
ICE Release Notification Form - AB 2792 Truth Act

☐ Solicito recibir este formulario en español. / I request to receive this form in Spanish.
☐ 請寄來中文表格。 / I request to receive this form in Chinese.
☐ Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
☐ Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
☐ 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Date: _____
Inmate Name: _____ Booking #: _____

The purpose of this letter is to inform you that Immigration and Customs Enforcement (ICE) has requested that _____
_____ How long for up to 48 hours after your release from immigration custody will allow ICE time to take you into immigration detention. (I-247 or I-247D)
_____. Notify ICE of your release date, so that ICE may detain you. (I-247N)
_____. Transfer you into immigration detention. (I-247X or other request)

Under the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, we are required to notify you and your attorney OR another person that you choose, in writing, if we inform Immigration and Customs Enforcement (ICE) of your release date.

Scheduled Release Date:

The purpose of this letter is to inform you that on _____ at _____, we notified ICE that you are scheduled to be released on _____ We have provided this same information to your attorney OR designee.

Name of attorney or designee Email and/or Phone Number

Served by: _____ ID #: _____ Date: _____

Final Release:

The purpose of this letter is to inform you that on _____ at _____, we notified ICE that you are in the process of being released. We have provided this same information to your attorney OR designee.

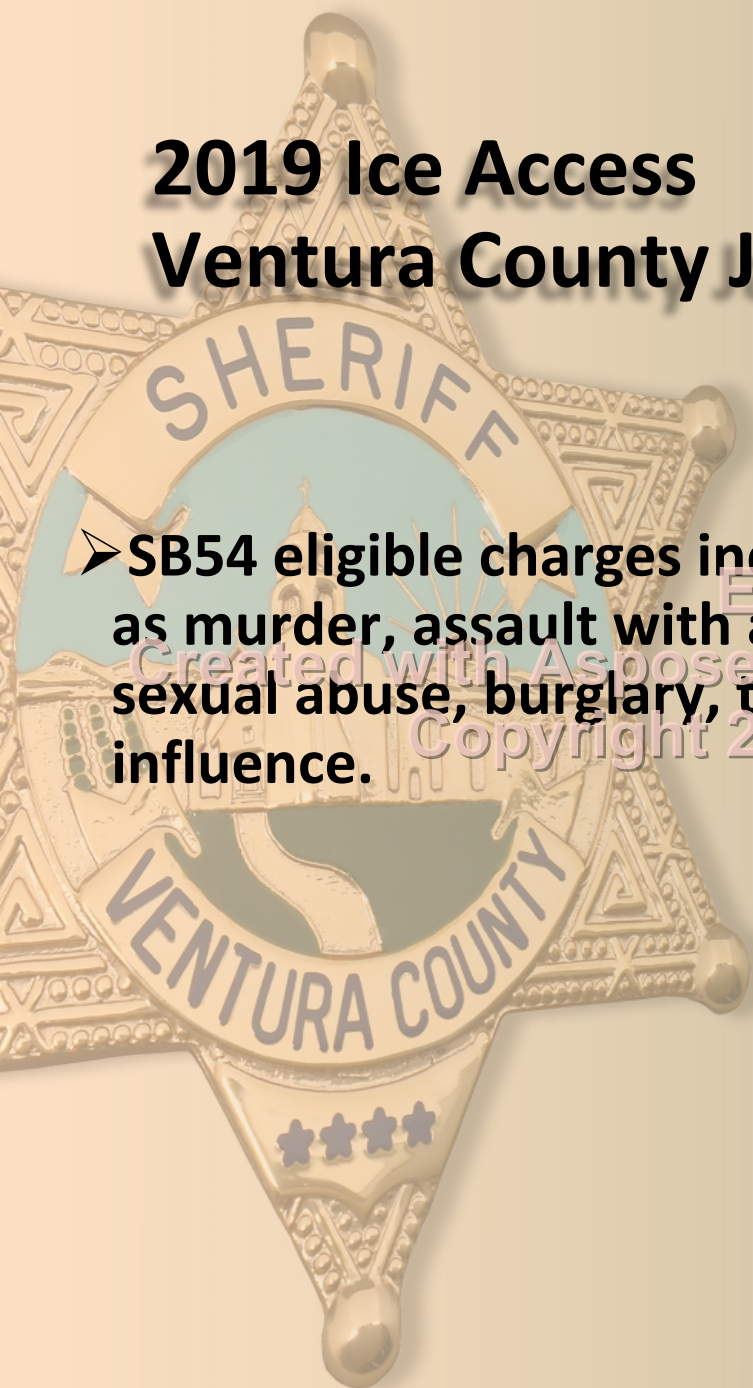
Name of attorney or designee Email and/or Phone Number

Served by: _____ ID #: _____ Date: _____

Distribution: Original – Inmate Jacket Yellow – Legal Pink – Inmate (Final Release) Goldenrod – Inmate (Rel. Date)

2019 Ice Access Ventura County Jail

- SB54 eligible charges include, but are not limited to crimes such as murder, assault with a deadly weapon, domestic violence, sexual abuse, burglary, theft and felony driving under the influence.



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2019 ICE Access Ventura County Jail

Detainers and Notifications

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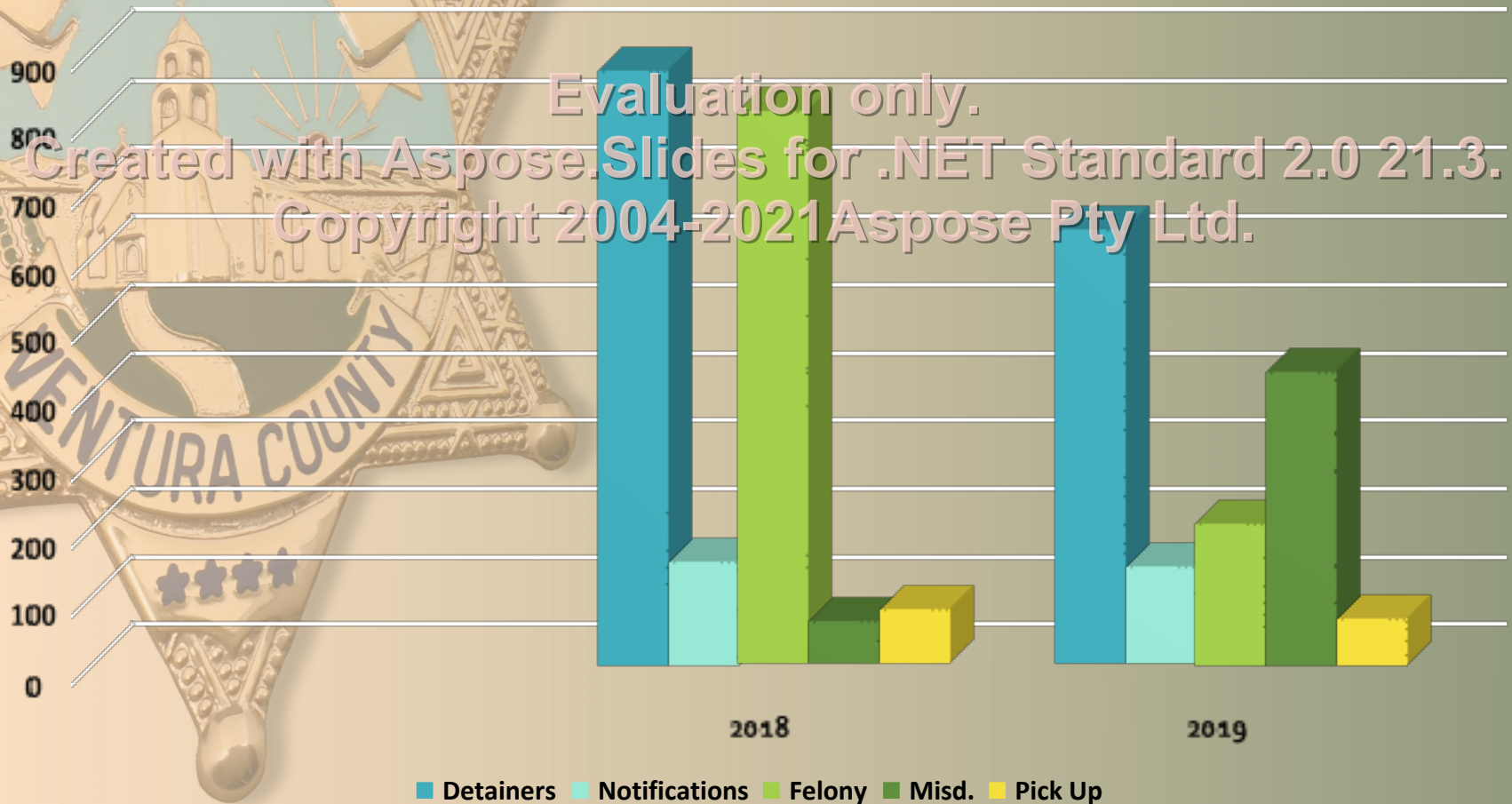
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Ventura County Jail Bookings	33,611	31,921	
	2018	2019	Change
Detainers Received	872	636	-28%
ICE Release Notifications	151	142	-5%
ICE Pick Ups	79	67	-15%
Felonies related to detainers	810	206	-75%
Misdemeanors related to detainers	62	430	+593%

- In both 2018 and 2019, ICE detainers were received on less than ½ of 1% of total bookings
- As a percentage, ICE picked up less than ¼ of 1% of all bookings in 2019

2019 ICE Access Ventura County Jail

Detainers and Notifications



2019 ICE Access Ventura County Jail

Evaluation only

2018 2019

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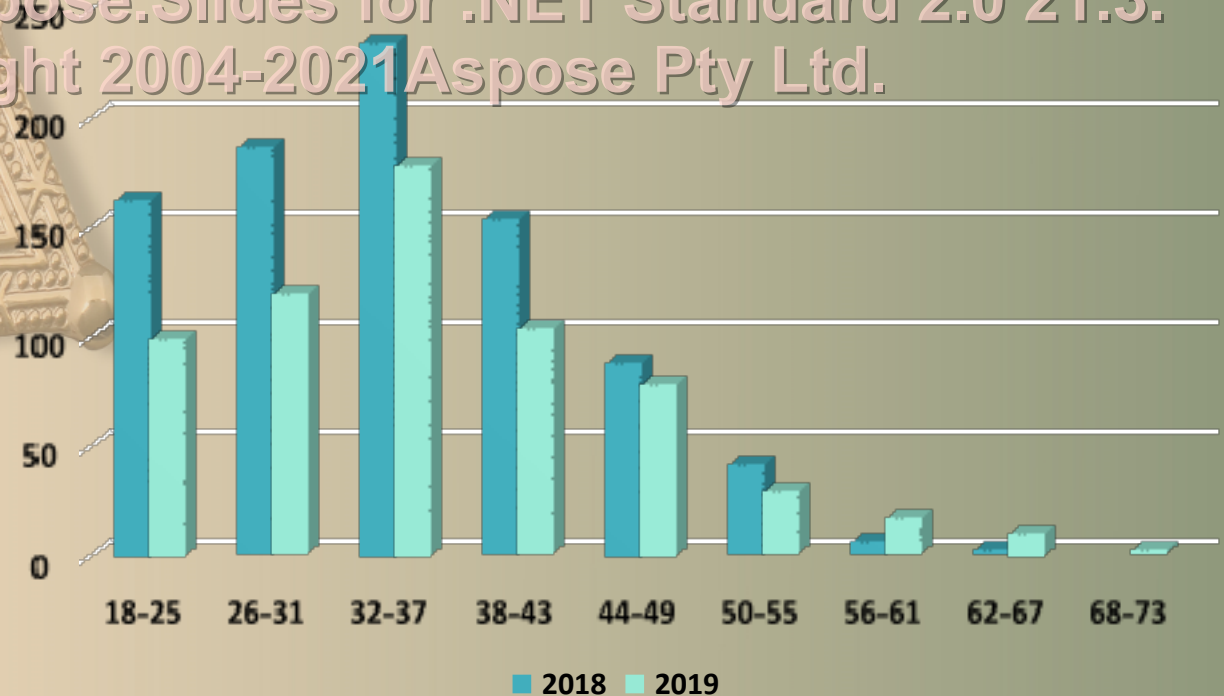
TOTAL ICE INTERVIEW REQUESTS	2018	2019
INMATE'S OPTION		
Agree With Attorney	0	0
Agree Without Attorney	2	0
Refused Interview	5	2
Refused to Answer	0	0
71% reduction in ICE interview requests for 2019		

2019 Ventura County Jail Detainer Demographics

- **2018**
 - 805 Males
 - 67 Females
- **2019**
 - 598 Males
 - 38 Females

Evaluation only. Age

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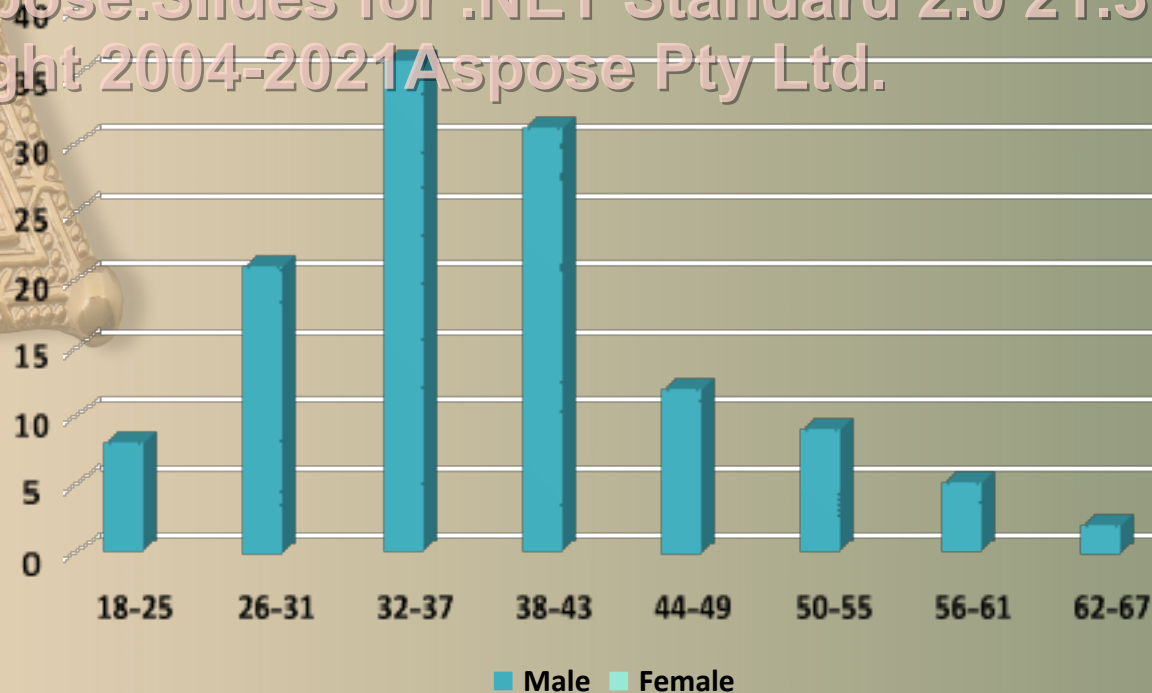
2019 Ventura County Jail ICE Notification Demographics

- **2019**
- **124 Males**
- **18 Females**

Evaluation only. Age

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2019 Ventura County Jail Place of Birth (All Detainers)

PLACE OF BIRTH	NUMBER OF INMATES
Mexico	538
Guatemala	25
El Salvador	18
Honduras	8
Chile	7
Philippines	5
Colombia	5
Laos	4
Iran	4
France	4
United Kingdom	3
Armenia	3
Peru	2
Spain	1
Cuba	1
Pakistan	1
India	1
Romania	1
Mozambique	1
Ghana	1
Belize	1
Afghanistan	1
China	1
TOTAL	636

* Inmates self-report on place of birth

2019 Ventura County Jail Place of Birth (ICE Notifications)

PLACE OF BIRTH	NUMBER OF INMATES
Mexico	106
El Salvador	6
Columbia	5
Chile	5
Philippines	1
Guatemala	3
Iran	2
Armenia	2
Honduras	1
Peru	1
Spain	1
Cuba	1
Pakistan	1
India	1
China	1
TOTAL	142

* Inmates self-report on place of birth

SB54 and the Truth Act

- Pursuant to SB54, the Ventura County Sheriff's Office may respond to an ICE request for notification for an individual who meets the following criteria:
 - The individual has been convicted of a serious or violent felony identified in 1192.7(c) or 667.5(c) of the California Penal Code.
 - The individual has been convicted of a felony punishable by imprisonment in the state prison.
 - The individual is a current registrant on the California Sex and Arson Registry
 - The individual is arrested for a serious felony or violent felony, as identified in Penal Code Section 1192.7(c) or 667.5(c), or a felony that is punishable by imprisonment in the state prison; and after appearing before a magistrate for a preliminary hearing the magistrate has determined under Penal Code Section 872 that there is probable cause to hold the individual to answer for the crime.
 - The individual has been convicted within the past 5 years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony as described in section 7282.5 of the Government Code.

SB54 and the Truth Act

- The California Values Act (SB54) became effective on January 1, 2018.
- SB54 sets specific criteria for law enforcement agencies when corresponding with ICE.
- The Ventura County Sheriff's Office complies with both SB54 and the Truth Act.

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Questions or Comments?

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